

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

LOCATION:

Cal Works Center
2895 South 4th Street
El Centro, CA

DATE AND TIME:

Saturday, April 1, 2006
8:05 a.m. to 12:31 p.m.

REPORTED BY:

JUDITH W. GILLESPIE, CSR, RPR

(No. 3710)

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1 DIRECTOR BORCHARD: Good morning. I'm
2 Steve Borchard. I'm the BLM California Desert
3 District Manager.

4 CHAIRMAN KEMPER: Ron Kemper. I
5 represent renewable resources and grazing interests.

6 MEMBER DENNER: I'm Roy Denner. I'm the
7 president of the Off-Road Business Association. I
8 have a seat on the Imperial Sand Dunes Technical
9 Review Team, and I represent recreation.

10 MEMBER CHARLTON: My name is David
11 Charlton. I'm a biologist at Edwards Air Force Base,
12 and I am working on the ecosystem modeling program out
13 there. And I represent California Plant Society and
14 plant issues.

15 MEMBER BETTERLEY: My name is Bill
16 Betterley, and I'm a member-at-large.

17 MEMBER SCHILLER: My name is Ron
18 Schiller. I'm from the northern part of the Desert
19 District up in Ridgecrest, and I represent recreation.
20 And I'm starting my second term on the Council.

21 MEMBER ACUNA: I'm Tom Acuna. I
22 represent the transportation right-of-way position.
23 I'm from Sempra Energy. And I supervise their land
24 use and natural resource program.

25 MEMBER LEIMGRUBER: Good morning. Wally

1 Leimgruber. I am completing my sixth year on the
2 District Advisory Council to BLM. And this will be my
3 final year as the elected official representing the
4 District Advisory Council.

5 CHAIRMAN KEMPER: Thank you. Neil
6 Hamada. I believe we are ready for you. Neil will be
7 doing a summary of the field tour discussions put on
8 yesterday.

9 MR. HAMADA: For those of you who didn't
10 get a folder yesterday --

11 CHAIRMAN KEMPER: While Neil is setting
12 up, I think we have a couple of dignitaries in the
13 audience. We have a representative from Congressman
14 Duncan Hunter, Justin Tagget. Thank you for being
15 with us, Justin.

16 And then we have a representative from Bob
17 Filner's office, Juanita Salas. Thank you for coming.
18 Anybody else that I missed in the group representing a
19 congressman or senator?

20 MEMBER BETTERLEY: I might add they were
21 both on the tour with us yesterday.

22 CHAIRMAN KEMPER: I'm sorry I missed the
23 first one, but I understand it was a great tour.

24 MR. HAMADA: I'm Neil Hamada. I'm the
25 dunes manager representing the El Centro field office.

1 A brief summary of the tour yesterday. We
2 took a dune buggy ride, about 12 dune buggies, and we
3 drove through the long-term vendor area right off.

4 And first off was Gecko Campground. At
5 that area we discussed what the facilities are in the
6 recreation area, the cost of maintaining those
7 facilities, and how we fund that through the fee
8 program, grants and federal funds.

9 The third stop was at the small central
10 closure along the northern boundary, where we had Erin
11 Dreyfuss and Chris Knauf of our El Centro Office
12 discuss the monitoring efforts that we have in the
13 Imperial Sand Dunes to monitor Pierson's milkvetch,
14 reptiles and birds.

15 The fourth stop was at Oldsmobile Hill,
16 where we met with Ranger Ted Jones and discussed law
17 enforcement, how we work together with law enforcement
18 coalition and the different agencies we bring in, as
19 well as the local sheriff's department.

20 At the fifth stop we actually stopped at
21 the Glamis store and had lunch there. We talked with
22 Tim Gantz and discussed our partnership efforts in the
23 Imperial Sand Dunes. If you open up your folder --
24 some of you got them yesterday and you might have had
25 a chance to look at it -- there is a couple "Tread

1 Lightly" booklets. One is for kids and one is more
2 geared towards adults, the thicker one. And those are
3 done in partnership with Tread Lightly and with ASA.

4 The other partnership we discussed was our
5 partnership with the United Desert Gateways, which is
6 a coalition of the Brawley, El Centro and Yuma
7 chambers of commerce. And we discussed some of the
8 projects we are working on with them.

9 That's a real brief summary of what we did
10 yesterday, as well as some fun duning. I hope you
11 guys had fun.

12 In your packet is also a short summary of
13 dunes management and where we are with the Recreation
14 Area Management Plan and EIS, fee collection and our
15 partnership with the Imperial County Sheriff's office
16 in collecting fees and enforcing fees. And again, the
17 monitoring efforts that we have done in the past few
18 years, as well as the change for this year, a scaled-
19 back version of what we did last year due to the
20 rainfall -- lack of rainfall this past year.

21 And on the last page is a section on vendor
22 permitting. I talked to our vending permitting
23 specialist yesterday, and we are up to 122 vendors so
24 far this year in the Imperial Sand Dunes. I think
25 that's more than any other site. And we got a view of

1 some of those vendors yesterday on the tour.

2 Other than that, I'm just here to entertain
3 any questions that you may have, that you might have
4 thought of last night if I didn't answer everything
5 yesterday on the tour. Are there any questions.

6 MEMBER LEIMGRUBER: Mr. Chairman, if I
7 may. Wally Leimgruber.

8 Neil, we know of a recent ruling by the
9 Appellate Court in San Francisco that wants to
10 continue closure of the 49,000 acres. How successful
11 is BLM in monitoring the closed areas? Are they
12 pretty much -- the signage is appropriate and the
13 trespassing has been reduced? Or have these people
14 obeyed those closed areas?

15 MR. HAMADA: I talked about that
16 yesterday on the tour. When we initially signed the
17 closure, I mentioned that there are so many signs
18 needed for these closures, fiberglass posts, that the
19 manufacturer has shut down their company just to make
20 posts for us, we ordered that many signs. And there
21 is that much mileage around the boundaries we have.
22 It's very difficult to keep these signs and the
23 closures maintained due to the environment.

24 Basically every time the wind blows like
25 today, we have to go out and re-sign. The signs have

1 either been buried and unburied and fall over. It's
2 been very difficult.

3 We have had help from the ASA to help get
4 us those closure signs. We have the help from the ASA
5 to educate the duners on why they should obey the
6 closures. And it's been an effort on our part to try
7 and help educate those people, as well.

8 We do patrol the closure boundaries. Up
9 until last year, we were also doing aerial overflights
10 to monitor. And the signing isn't the greatest and it
11 could be better, but the boundaries are pretty much
12 obeyed. When you look at the number of visitors that
13 we have and the number of incursions that we have into
14 the closures, it's pretty low.

15 One area that is probably the toughest is
16 Buttercup and Gecko. We were out there yesterday, and
17 I didn't see any incursions into that boundary. Did
18 any of you guys? It looked pretty good, actually.

19 MEMBER LEIMGRUBER: Thank you, Neil.

20 MEMBER DENNER: The focus of this whole
21 meeting is to focus on what's happening in the ISDRA,
22 as you well now. I usually give a fairly lengthy
23 report about what is happening here at our DAC
24 meeting. At this particular meeting we have several
25 new DAC members who probably don't even know what you

1 are talking about when you are talking about the RAMP
2 or the closures or the signing. I think it would be
3 worthwhile for you to take some time and review a
4 history of recreation in the dunes.

5 I would start all the way back at the
6 Desert Protection Act where we lost in '78 and give
7 these people an update about what you are talking
8 about when you are talking about closures and the
9 court case and where the RAMP stands. And that's
10 really the purpose of this meeting. So maybe you want
11 to get a chair or a map and give us a summary of all
12 that. Do you agree, Mr. Chairman?

13 CHAIRMAN KEMPER: Neil, if you could
14 give us a brief history, you know, and maybe something
15 that you could do in six or seven minutes or less. I
16 think we have time for that this morning.

17 MEMBER LEIMGRUBER: If I may, for those
18 in the audience, this is the Recreational Area
19 Management Plan. I carry this copy, along with
20 others. So if there are any technical questions, I
21 would be glad to share this with the audience or the
22 group as well.

23 MR. HAMADA: Thank you. I won't start
24 back in 1940 when people started going out there with
25 Jeeps and Model T's. But in recent history, we had an

1 '87 Recreation Area Management Plan. We, back in
2 1998, started the development of an updated plan
3 because that one was out of date.

4 We had public meetings in several locations
5 throughout the southwest, from Arizona to California,
6 basically from Phoenix to L.A., San Diego, Yuma, and
7 came up with a new management plan. And in that
8 management plan, the preferred alternative was to
9 start an Adaptive Management Area in the central part
10 of the dunes. With the Wilderness Act, we have the
11 North Algodones Dunes Wilderness, which is 26,202
12 acres north of Highway 78. And we were going to
13 institute -- or actually, I will back up a little.

14 That wilderness area, when enacted,
15 released wilderness study area 362, which was in the
16 central dunes. I'm not sure of the exact acres,
17 probably around 40,000 acres or so.

18 Well, this new plan, we were going to
19 implement an Adaptive Management Area in the central
20 part of the dunes to replace the current closures, the
21 administrative closures, which are in several postage-
22 stamp styles, except for the one large one. Those
23 closures were instituted in 2000 due to litigation
24 brought about, alleging that the California or the BLM
25 Desert District and El Centro field office hadn't

1 consulted on the milkvetch and cumulative impact.

2 So the Desert Management Plan would allow
3 those desert closures to go away; however, there would
4 be limitations on that particular area. And what the
5 BLM proposed was a back country permit to ride in this
6 33,000-acres section of the sand dunes that's
7 historically been used as low intensity. It was
8 designating the plan as semi-primitive motorized under
9 the recreation opportunity spectrum, and people would
10 be limited to 525, or 75 groups, actually -- 75 groups
11 of people would be allowed per day, to be closed at
12 night and closed during the summertime. And to enter,
13 you would have to take a resource conservation
14 program. Basically teaches you how to tread lightly
15 while you are riding in the dunes in that area.

16 The plan was litigated, the EIS, the
17 Biological Opinion and the plan, actually, and we
18 recently received a decision from the Court. And the
19 Court's decision was basically that there are some
20 errors in the plan that we need to fix. So BLM has
21 asked for a 30-day extension to get back to the Court
22 with the Fish and Wildlife Service and the Department
23 of Justice and with the intervenor to come up with
24 possible solutions, alternatives to change the plan
25 and make it meet the legal requirements.

1 That's really brief. I skipped a lot. But
2 are there any other sections or any other part that
3 you would like me to cover in more detail, Roy?

4 MEMBER DENNER: I guess I would defer to
5 the new members of the Council and ask if they feel
6 that they understand what is going on out there, based
7 on what you have presented and what they already know,
8 maybe.

9 MEMBER SCOTT: Just a question. Tom
10 Scott. Neil, could you specifically tell us whether
11 it was the report, the EIS, or the Biological Opinion
12 that were all sued and all found inadequate under the
13 lawsuit, or was it just one of those three?

14 MR. HAMADA: The Biological Opinion and
15 the -- Steve, you might have to help me out here. I
16 know it's the Biological Opinion.

17 DIRECTOR BORCHARD: Let me take a shot
18 at this.

19 The suit does largely affect the Biological
20 Opinion. Specifically, the critical habitat
21 designation process that was used, the trigger of
22 impacts in the Adaptive Management Area that would
23 trigger reconsultation between the Service and the
24 BLM.

25 There is a third item there.

1 MR. RAZO: Critical habitat.

2 DIRECTOR BORCHARD: Well, there is also
3 a reference to a previous Court decision involving
4 the -- what constitutes adverse modification of
5 critical habitat. And because of those decisions by
6 the judge on the status of the Biological Opinion, the
7 Resource Area Management Plan, which relies in part on
8 the Biological Opinion, has also been found inadequate
9 by the judge. The judge's decision is a decision, and
10 she has asked for the plaintiff and the defendant and
11 the intervenor to submit a remedy. So her decision is
12 a decision; it's not a ruling. So until a ruling
13 occurs, the whole process is still in play.

14 MEMBER SCOTT: Thanks.

15 CHAIRMAN KEMPER: Any other questions?

16 MEMBER PRESCH: I would just like to
17 thank Neil and the staff of the El Centro office for
18 the great tour yesterday, and the American Sand
19 Association. I had a great time. It was a great
20 ride, and I really appreciate it and learned a lot.
21 Got to see a lot of the dunes and have a much clearer
22 understanding and appreciation of the activities out
23 there.

24 And so as I said to many people before, it
25 was a great time and I really enjoyed it. Thank you.

1 MR. HAMADA: You are welcome. Bob Mason
2 helped coordinate all those buggies out there and all
3 those volunteers, so it was a lot of help.

4 CHAIRMAN KEMPER: Any other questions
5 and comments from Neil?

6 MR. HAMADA: I will be here, so if there
7 are any other questions.

8 CHAIRMAN KEMPER: The whole Council
9 would like to thank you for your efforts. Thank you.
10 Appreciate it.

11 Sheriff, I have been told that you will
12 need about 15 minutes; is that correct?

13 SHERIFF CARTER: I'm sure yesterday was
14 very informative for you, but you ought to come down
15 on Halloween to ride the desert and you will really
16 see what is going on out there. We have a short
17 video. And then we will go.

18 (Video.)

19 SHERIFF CARTER: The video was a little
20 bit dark in places because it was taken at night at
21 Oldsmobile Hill. It was an unlawful assembly. On
22 President's Day weekend is when this video was shot,
23 last big holiday we had in the area.

24 About four years ago, the Imperial Sand
25 Dunes was in absolute chaos from a law enforcement

1 perspective. We were having all kinds of crimes
2 committed, including homicides, vehicles burns, people
3 assaulted. It was absolutely out of control. At that
4 time I believe BLM was trying to control that area
5 with about 10 Rangers.

6 And this just shows you a map -- you were
7 all there, so you all know much of this. I want to
8 kind of skip over this.

9 I was approached or asked to help kind of
10 curtail the violence there in that area. And we
11 agreed to put some deputies out there. And we started
12 with about 15 deputies. And they came back and told
13 me they didn't want to go back out there unless they
14 had more help because there was no way they could take
15 care of themselves, not to speak of the public. So we
16 formed a coalition, the Off-Highway Commission of the
17 State of California with Greensticker fees that
18 provided funding, with some limited funding from BLM.

19 And we put together a Coalition Agreement
20 that all the police chiefs in the Valley signed with
21 me and my friend Bill Collander. Just some examples
22 of things that go on out there on a holiday. We got
23 some off-duty San Diego deputies on overtime, and we
24 started putting around 100 officers out there.

25 But -- and in the beginning it was a real

1 difficult task. We had to take a lot of enforcement
2 action. But over the last four years, things have
3 come full circle, we feel. We got to the point where
4 Bob Mason of the ASA feels we can take these signs
5 down now and put up a sign that says, "Welcome to the
6 Dunes." Because we have seen a dramatic drop in
7 enforcement activities and more compliance and more
8 people coming to use the dunes because the law
9 enforcement is there, and we are going to try to keep
10 people safe.

11 We are concerned. This year, we had an
12 extraordinary number of deaths because of accidents
13 out there. What we can do about that, I don't know.
14 But we have a full-time off-highway enforcement team,
15 and we supplement that on the weekends, heavy-duty
16 weekends with coalition members from BLM, ICSO, local
17 PDs and the San Diego Sheriff's office. We have about
18 100 officers there patrolling the dunes.

19 We started in 2001 and we wrote about a
20 little over 5,600 citations, had over 100,000 contacts
21 with people. In 2003, my officers in the coalition
22 wrote over 4,000 tickets and about 4,500 contacts.
23 And so you can see in March of 2004, we are coming
24 down on the citations. And so the statistics show
25 that we are getting more compliance out there. And

1 this -- instead of writing 5,000 or 6,000 tickets, we
2 are down to a couple thousand.

3 The medical stats, we are looking at -- I
4 understand on a holiday weekend we do more med-evacs
5 out there than we do in Yellowstone for the entire
6 year because of the nature of the sport and the
7 activities that are going on. We haven't had a
8 homicide yet since we have been out there. We haven't
9 had -- we have had a couple serious assaults, but when
10 you have a city of 200,000 people, you have to expect
11 things like that.

12 Halloween weekend has become one of the
13 largest weekends of the year. Over that weekend we
14 had 66 deputies there writing 547 tickets and making
15 12 arrests. California Parks, OHV divisions there,
16 BLM, ASA were involved from the start. And
17 Off-Highway Commission, "Tread Lightly." We see a lot
18 on the holiday weekends, but year-round these
19 individuals and groups are busy working to try to make
20 sure that the dunes not only stay open, but they stay
21 safe.

22 Now, this year, we took on the task of
23 issuing camping permits in the recreation area, and
24 staffed a new unit to do that. We have collected
25 about \$3 million so far this season in permit sales,

1 sales tracking about 25 percent higher than last year
2 with another vendor doing it. Our season permit sales
3 are much higher than last year. Last year I think the
4 total sales were about 13,000. Because people realize
5 that if they don't have a permit -- they don't have a
6 permit, they are going to receive a citation. We have
7 written about 550 citations for people who refused to
8 purchase permits. And we have run into literally
9 hundreds of people who told us they have been out
10 there for years and years and years, and they never
11 purchased a permit anytime they were out there. And
12 they don't know why they have to now.

13 This may be our only permit season. BLM
14 has asked to terminate our contract earlier and go to
15 a private vendor, which we wish them well in doing
16 that. I think they will find out how difficult the
17 job is. Because when you have an area where people
18 can enter it from any direction they want to, you have
19 a tough time making sure they have permits. And we
20 have an enforcement section, which nobody else has.
21 But be that as it may, we wish them lots of luck.

22 From the law enforcement standpoint, I
23 think our people have done an excellent job. My only
24 complaint is that I have had to continually talk to
25 BLM about keeping the number of officers up out there.

1 I think working with Bill Woody from Washington, we
2 kind of solved that problem now. But it's a constant
3 issue of not having enough personnel out there to help
4 us do our job. But we are committed to trying to keep
5 the dunes safe and committed to law enforcement
6 activities out there.

7 So I think everybody has done a great job
8 working together. I think that if we had not taken
9 the actions we have taken and the strict enforcement
10 actions we have taken out there, you would see more
11 closures because the lawlessness would demand it. And
12 I think the efforts we are putting out there are
13 certainly aimed at keeping the dunes open and
14 accessible to people so they can recreate in a safe
15 manner. And I will be happy to answer any questions
16 you might have.

17 MEMBER LEIMGRUBER: Thank you, Sheriff,
18 for this report. And because of the seasons that we
19 have in the dunes area, about six major weekends, and
20 the sheriff has brought out the population increase.
21 It usually exceeds the population of our entire
22 county.

23 And in the Recreational Area Management
24 Plan, the Imperial Sand Dunes Recreation Area
25 contributes about 1,200 to 3,000 direct employment

1 jobs for our region. We have a revenue stream of \$23
2 to \$56 million that are brought into this county.
3 Imperial County is the youngest county in the state.
4 We have a large economy based on agriculture. But
5 with this off-road component, it's a tremendous boost
6 to our area.

7 I shared yesterday about our hospitals here
8 in the county. Because of the proximity to the US-
9 Mexico border, we have undocumented immigrants
10 requiring medical care. And the hospitals usually do
11 not get reimbursed. Because of the nature of the
12 sport that the sheriff brought out, these buggies from
13 300 to probably over 600 horsepower, there are medical
14 responses needed. And the sheriff's office, the BLM,
15 the emergency medical that they provide, it's an
16 actual help to our local hospitals here in the region.

17 I have been out with the sheriff on these
18 major weekends, and the sheriff is correct. On these
19 large weekends, it's -- especially at night, there is
20 a whole difference out there. But I commend the
21 sheriff's department and their aggressive positioning
22 on lawlessness. Testimony was brought out by the
23 off-road vehicle users. They have felt safe. Their
24 families are coming back. They are bringing their
25 friends. And I believe that these numbers here will

1 actually increase.

2 And so we, as a county, as an agency, want
3 to work in concert with our BLM as they continue to
4 manage public lands. As the sheriff had brought out,
5 there is a need for that presence, that law
6 enforcement presence in the dunes. This deters those
7 who perhaps choose to break the laws. A lot of the
8 laws that are applicable on-highway are applicable
9 off-highway. So that the sheriff's department and
10 their staff have done a tremendous job in providing
11 that law enforcement component in our area.

12 CHAIRMAN KEMPER: Thank you, Wally. Any
13 other questions?

14 MEMBER ACUNA: He mentioned the shift
15 from collecting fees to a vendor program. Can someone
16 explain what that is?

17 MEMBER LEIMGRUBER: I will go ahead and
18 answer that question briefly.

19 We entered -- the County of Imperial has
20 entered into an agreement with BLM. And part of the
21 press release that BLM issued back in September of
22 2005, BLM and Imperial County signed an agreement for
23 new fee collection and compliance efforts at the
24 dunes.

25 We have the seasonal passes and weekend

1 or -- they are actually seven-day passes that are
2 issued to the off-road community. We started out with
3 a contract based on machines that were able to be
4 placed out in the dunes. They are kind of kiosk
5 machines, where a person either through credit card or
6 on-site purchasing can receive a pass. And then the
7 sheriff's department was to have this equipment, kind
8 of a radar gun that would just ascertain the data on
9 these cards. There was a couple hundred feet that
10 these radar guns would work. And this contract was
11 never fulfilled by the vendor.

12 We had to address that as a County because
13 the contract that we entered into with BLM and the
14 sheriff's department put the necessary personnel out
15 there to sell permits. They were sold over the
16 Internet. A lot of people coming in say we never
17 bought a permit. We need to sell these permits.

18 And the sheriff's department has had a lot
19 of time that they have had to dedicate to the
20 collection site. And as the sheriff said, their jobs
21 are enforcement. They are there to enforce the laws.
22 And we have looked at ways of, how do we include
23 outside vendors? How do we include outside businesses
24 in the off-road community that would sell parts? You
25 come on into the store. We can buy these permits, and

1 the sheriff's office can do what they do best, and
2 that is enforce the laws out in our area.

3 The marketing side of it -- and I commend
4 the sheriff's department for their putting together
5 this workforce. And we have tried to bring in
6 additional County employees, some of our probation
7 department officers. And Neil is aware and the rest
8 of the BLM staff of how these sites were set up. We
9 had generators. The staff came along throughout the
10 day and stayed late into the night. So we are looking
11 at the sheriff's office with the enforcement side, and
12 we are looking at the marketing side of these permits.
13 And the split that comes out, 70 percent of this money
14 is retained by BLM, 30 percent goes back to the County
15 of Imperial.

16 And so we were kind of given some lemons
17 early on and we got some lemonade made out of this.
18 And this exploratory dialogue that we are having, the
19 sheriff's office says perhaps the law enforcement side
20 is what they are going to be doing. And we are going
21 to look at how can we market these permits.

22 MEMBER ACUNA: It sounded like the
23 sheriff was thinking good luck, kind of like he
24 thought his team was doing a better job than
25 potentially the vendor. Is there some disagreement by

1 him?

2 MEMBER LEIMGRUBER: I can't answer that
3 question for the sheriff. All I can say is that we
4 took the necessary staff, and because of the permit
5 sales this year, there was a -- close to, I believe, a
6 \$6 million figure that was in total sales. So they
7 had to have armed officers there guarding the
8 proceeds. We, in turn, contracted with a private
9 security firm, armed security firm, to have these cash
10 boxes guarded and so our sheriff deputies could
11 continue to patrol out in the dune area.

12 So the sheriff is like, you know -- this is
13 a difficult job, but can it be done? Yes it can,
14 because of other areas in our Dumont Dunes, it's a
15 smaller area, but we have areas that these permits are
16 sold. The Greensticker that you buy in the same
17 manner, we are going to look at a marketing that will
18 work. And the sheriff's department will be enforcing
19 the laws, as they have done so admirably. And those
20 statistics are dropping, and there is a reason why,
21 and we are going to work for that. Families come out
22 and recreate and enjoy -- and enjoy the dunes.

23 Are there any other questions I may answer?

24 MEMBER BETTERLEY: Mr. Chairman?

25 CHAIRMAN KEMPER: Mr. Betterley.

1 MEMBER BETTERLEY: When you are talking
2 about "we," and then you talk about the sheriff, this
3 contract is really with the Board of Supervisors, is
4 it not, of the County?

5 MEMBER LEIMGRUBER: That is correct.
6 BLM and Imperial County signed an agreement for a new
7 fee collection compliance effort at the dunes. And
8 that's -- the County sheriff's department obviously is
9 a component of Imperial County. Their office, Sheriff
10 Carter is chief law enforcement official of our
11 County. He is charged with enforcement of our laws.
12 And again, because of the machinery that broke down,
13 the sheriff's department stepped up to have these
14 sites where they sold this -- sold these permits. And
15 it just took, you know, a large amount of workforce
16 and a lengthy time to accomplish this.

17 And we are thankful, again, that the sales
18 were up. But we are looking at how do we just go from
19 this year's sales into next year's into additional
20 compliance without placing such a heavy burden on a
21 department of the manpower that's needed to -- that
22 was out in the dunes.

23 CHAIRMAN KEMPER: Thank you, Wally.
24 Thank you, Sheriff Carter.

25 At this time I will move into the public

1 comment part of the agenda. This is for items that
2 are not on the agenda. I don't have any cards that
3 have been handed in. If anybody would like to speak
4 as to any topic not part of the agenda, if you will
5 raise your hand, I will recognize you. Please come
6 forward.

7 MR. SEAVERS: Thank you, Mr. Chairman.
8 I'm Jerry Seavers. I'm chairman of the ISDRA TRT,
9 Imperial Sand Dunes Recreation Area. I wanted to
10 thank you all for coming out here and seeing our area.
11 I know a lot of you, when you are making
12 recommendations to BLM, it's real important that you
13 see the area. I think that's being affected by your
14 decisions and really appreciate all of you that came
15 and did the tour yesterday. And that's basically -- I
16 just wanted to welcome you and thank you on behalf of
17 the TRT.

18 CHAIRMAN KEMPER: Thank you. Please
19 come forward.

20 MR. LUCAS: Good morning. I'm Charles
21 Lucas, I'm president of the Imperial County Sheriff's
22 Association.

23 MR. CAPECI: I'm Mike Capeci, vice
24 president of the Imperial County Sheriff Association.

25 MR. LUCAS: We are very happy to come to

1 you after the nice presentation that Sheriff Carter
2 presented to you about how good we are doing with the
3 dunes, when the rest of the county is falling apart as
4 far as public safety. You will soon be feeling that
5 as you already have felt it in the past. We do very
6 well on the weekends, the major weekends when we have
7 the 200,000 visitors. The rest of the time it's just
8 us.

9 We currently are maintaining only -- well,
10 the 16 positions, we have deputy openings right now
11 that we have had for eight years. We are continually
12 hiring and they are leaving. We have asked the Board
13 of Supervisors. We have continually gone to them --
14 two weeks in a row. We will be back again Tuesday.
15 We are trying to work. We need more deputies. We are
16 not, as our shirts say, "We care about your safety.
17 Nobody else does." We care about our safety.
18 Anymore, we are not sure we are going to make it home
19 at night. We have had three deputies shot or shot at
20 in the past year. And right now it's a public safety
21 issue.

22 We are asking for your support to talk to
23 the Board of Supervisors. I will give you an
24 instance. I had to respond out there on Christmas.
25 There were no deputies on the scene. There was nobody

1 assigned Glamis to work specifically that detail.
2 There were no BLM rangers out there.

3 I went out there. I had to get a private
4 citizen -- I was assigned the coroner's office -- to
5 help me make removal of a decedent from the dunes. So
6 as you can see, we look good on the three-day
7 weekends. The rest of the time, forget it. We don't
8 have support. The Board of Supervisors are not
9 helping or looking forward.

10 In fact, to give you a quote out of the
11 paper from them, they don't know how to fix the
12 problem. They don't know how to keep people here.
13 They don't know anything. They don't talk to us.
14 Last time they didn't even give us a comment. So we
15 are here trying to educate you. We need your help.
16 If you want public safety out there, we need you to
17 write letters. We need support. Thank you.

18 MR. CAPECI: If I may add to the Board,
19 again the presentation that the sheriff did was
20 fantastic. But again, the holiday weekends --
21 Thanksgiving is also a major weekend out there. The
22 statistics have dropped. That's correct.

23 But at the end where it showed like 66
24 officers -- and again the sheriff uses the team
25 concept of "we." Again, that's a coalition of other

1 agencies or task force, if you will, from out of
2 County, 66 officers, 12 arrests. Could you imagine
3 how many of those law enforcement officials had to
4 turn their eye from any type of other type of
5 enforcement because they are worried about doing
6 permits?

7 The sheriff's office is not a collection
8 agency. We need to enforce, and as Wally had
9 mentioned, that's exactly what they want to do is
10 eventually get the sheriff's office to do the
11 enforcement side. But right now it's just not
12 happening. I want to thank you for your time. Thank
13 you, gentlemen.

14 MEMBER ACUNA: I have a real quick
15 question. You are seeking our support, but obviously
16 the County has issues with funding, I'm sure. That's
17 a large part of why they can't help you, I imagine.
18 Is there anything that really can be done? If you
19 don't have money, how do you get it?

20 MR. LUCAS: Obviously, there is probably
21 good conversation there. Yes, there are ways. There
22 are impact fees that can be changed. The Association
23 went for a nonopposition. We are converting six
24 positions, from deputy positions to sergeants, to
25 civilian positions. It covers the coroner's office

1 and our scientific investigation, CSI division. We
2 are not opposing that because we want more on the
3 street. Once they get trained, those four deputies
4 and two sergeants, they will be on the street. We are
5 not opposed.

6 We would love to be able to work with the
7 Board of Supervisors and come up with some agreements
8 to help find things. They are ignoring us. If we
9 don't get support -- they are going to ignore us -- we
10 are going to continue to lose deputies. Not only
11 deputies, we have correctional officers.

12 We currently have over 20 correctional
13 officers down in our jail, 12-hour shifts, mandatory
14 overtime. Our civilian staff in the jail is less than
15 half. They are mandatory overtime. Nobody has a life
16 anymore. All we do is live to keep the sheriff's
17 office going. The holiday weekends, we don't
18 recreate. We live at the dunes or out here other
19 ways. So we have got to get something.

20 MEMBER BETTERLEY: Mr. Chairman, I don't
21 want Mr. Lucas to leave here today thinking that you
22 are the only county in the 58 counties in this state
23 that have this same problem. Whether or not it's the
24 Sand Dunes or Dumont Dunes or whether it's other
25 festivals up and down the state, all counties have the

1 same problem. All boards of supervisors, 57 of the 58
2 boards of supervisors have that same problem, but it's
3 all dollars and cents.

4 You people aren't responsible for the
5 dollar and cents. They are. And it's always going to
6 be that way. It's been that way all the way I was a
7 supervisor. It's going to be that way.

8 MR. CAPECI: You are absolutely right.
9 We are not responsible for that. But if you look at
10 the statistics --

11 MEMBER BETTERLEY: But you are no
12 different there. It's the same way all up and down
13 the State of California.

14 MR. CAPECI: I understand.

15 CHAIRMAN KEMPER: Gentlemen, the one
16 thing I would like to share with you as Chair is I
17 think most everybody on this committee is sympathetic,
18 but I want you to consider what this committee is for.
19 And this committee is to give recommendations to the
20 District Manager of the BLM. We are not to interface
21 between the Sheriff and the Sheriff's Association and
22 the Board of Supervisors and the Sheriff.

23 But if you can come up with solutions that
24 can come through the director of the BLM or things
25 that can help, then we can make some kind of

1 supporting vote or something like that.

2 But what I really heard here today is that
3 the Sheriff and the Sheriff's Association and the
4 Board of Supervisors are not all on the same page.
5 But that's not something that this body can help you
6 with, but we can help you with the BLM enforcement.

7 MR. CAPECI: I appreciate that. But I
8 just want to make sure the Board understands when they
9 start thinking about activities down here, law
10 enforcement is an issue. So that might have something
11 to do with decisions down the road. So thank you very
12 much.

13 CHAIRMAN KEMPER: Thank you.

14 Is there anyone else in the audience who
15 would like to speak towards any duning issues and
16 things we have already talked about before we move on?
17 Okay, seeing none, we will go ahead and move on with
18 Council member reports. And I believe I will go ahead
19 and start on my right with Wally.

20 MEMBER LEIMGRUBER: Just briefly,
21 Mr. Chairman: I welcome all those who have come out
22 today and the public. There was an individual from
23 Senator Denise Moreno Ducheny's office. Aida, just
24 raise your hand. And perhaps -- the Senator is in the
25 valley, and she may come back here today and visit

1 with us.

2 Again, the importance of this economic to
3 the County of Imperial, because of the OHV component
4 is -- I just want to reemphasize that again. We are
5 having a positive impact to our region, and we as a
6 County want to see this continue. And this Council is
7 to receive input. We direct this input to our
8 District Manager here, Steve Borchard, who is on
9 board. We have our El Centro field manager here,
10 Vicki Wood. And we are committed to working in
11 concert with our many public agencies that will -- we
12 have this cooperative agreement to work in concert to
13 make this a safe and family-oriented sport.

14 And so we have these meetings around our
15 California Desert Conservation Area, all the way from
16 Ridgecrest back down out into the Needles area, back
17 down here to El Centro. And this time of year is when
18 our meetings occur. Obviously, some of you know why
19 we don't have them in July or August, but we welcome
20 you to our meeting.

21 CHAIRMAN KEMPER: Thank you, Wally.
22 Tom.

23 MEMBER ACUNA: I will pass.

24 MEMBER SCHILLER: Yes. This is my first
25 time down here and the first time I have been down to

1 the dunes. And I was quite surprised and impressed
2 with the field trip we took yesterday. And I would
3 like to thank Bob and Jerry for helping put that
4 together. And I'd especially like to pass on my
5 thanks to Craig, who I rode with yesterday. I feel
6 like I got a pretty good ride, and it was a lot of
7 fun. And I look forward to maybe sometime coming down
8 and doing it again. Thank you very much.

9 MEMBER BETTERLEY: Mr. Chairman, I just
10 want to thank the group that were present yesterday
11 for the graciousness and courtesy they showed all of
12 the DAC members. But we have one other gentleman with
13 us yesterday that was kind of amazing. Bob Huff, who
14 is an assemblyman from the 60th District, was here too
15 and took the tour. His family happens to be, I think,
16 third generation of farmers within the valley itself.
17 And it was amazing to see a native that had never
18 been -- really had taken for granted all of the
19 recreational areas that were here in the state. And
20 it was really interesting to sit with him at dinner
21 last night. And I want to thank him very much for
22 showing up. He had another meeting this morning and
23 he couldn't make it.

24 CHAIRMAN KEMPER: Thank you, Bill. Dave
25 Charlton.

MEMBER CHARLTON: Two major events: One

was a desert tortoise symposium. And I think the biggest new news there was that we had a series of major fires this year that caused some damage. And the other thing, a lot of the members here were at the Council Dunes opening, and it was a wonderful affair. Thank you, BLM, for that. That's all.

CHAIRMAN KEMPER: Thank you, Dave. Roy Denner.

MEMBER DENNER: To begin with, I have some really, really sad news to report. The OHV community this week lost one of its most involved leaders, Harold Soens, who was the president of the San Diego Off-Road Coalition. He was recently elected president of the California League of Off-Road Voters, which is a group of 10 organizations in California that banded together to educate our legislators about issues of off-road recreation. He was very active with the American Motorcyclist Association nationally. He was a member of the National Off-Highway Vehicle Council. He was responsible for the PALS program, training kids how to properly ride OHV's at Ocotillo Wells State Recreation area.

Harold was with me on Monday in Sacramento for our OHV lobby day. Seemed to be doing fine. He

was supposed to come with me Thursday morning, and his wife reported he was sick that morning. And by the time the 911 people had got there, he had passed away. It's going to be a major loss.

As far as my Council member report, my biggest item here is the fact that I sit on the Imperial Sand Dunes TRT. I find it necessary to fill in a few details beyond what Neil talked about. I think this TRT is probably the most successful one in the state. The El Centro BLM, primarily Neil Hamada, provides us reports so we have visibility for where every single dollar comes from and goes in the dunes. And so no other agency operating in the State of California that I know of has this kind of visibility, and I want to thank Neil for all the work he has done there.

As far as the issues, this lawsuit that we have been involved with, the real problem we OHVers have in the dunes with what's happening regarding the lawsuit is that the BLM has necessarily spent a lot of our user fee money to implement environmental requirements of the new RAMP, even though the Biological Opinion decision had not been made by the Court. The Court had promised a decision by the end of September, knowing full well that that's when the

busy season starts in the dunes. And all of the people that were required to provide input to the Court, including the intervenors, provided everything the judge asked for well in time for her to make the decision at the end of September.

The BLM in the meantime had to implement certain projects, like the classic one is the requirement in the RAMP for bird-proof dumpsters. When we agreed to this requirement, the OHV community, it was kind of a trade-off. We said, this is really stupid, but we will go along with that because we are going to get some stuff, new camping pads, roads paved, new toilet facilities.

As the season started this year, the BLM couldn't wait to issue a contract for bird-proof dumpsters until the day after the judge made her decision. And the bird-proof dumpsters turned out to be a really ugly thing. We used to have 40-yard dumpsters at the trash sites at the dunes. The largest dumpster size that was obtainable that was bird-proof was 4 yards, so in effect, you would have had to have 10 dumpsters for every 40 yards or have a much more frequent service of the dumpsters.

Bottom line is over \$400,000 of user fee money is being spent to collect trash in the dunes,

and not a single provision of the RAMP that improves OHV opportunities has been implemented while we waited for the Biological Opinion. Now the decision goes against the implementation of the RAMP. It just means we are going to go through the rest of the year paying for the environmental things that were required that we agreed to, like the dumpster thing.

Just over here on Route 8, there is a rest area. Just look at the dumpsters there. Trash is all over the place. You go around the city of El Centro and Brawley behind the major supermarkets. You have open dumpsters. The reason for the bird-proof dumpsters is the theory that ravens, when they learn about all this easy picking in the trash, as they fly to the dumpsters where we provide food on their way, they are looking for baby tortoises and they are gobbling up all the tortoises. So the concept is by closing dumpsters in the dunes, we are going to save the tortoise. Fat chance.

Anyhow, the implications are more far-reaching. Not only will we not have our areas open this year or have new camping pads and toilet facilities, but the same organizations that filed the lawsuit here in the dunes are using this to leverage the situation the Desert District-wide.

<p style="text-align: right;">Page 42</p> <p>1 This past week the four organizations, the 2 Center For Biological Diversity as the lead and Sierra 3 Club, the Public Employees For Environmental 4 Responsibility and Defenders of Wildlife, they issued 5 a 60-day notice of intent to sue over all of the 6 management plans for the entire 10-million-acre 7 California Desert District. 8 As many of you know, there are five 9 different planning areas with plans with two volumes 10 this thick. And right in the Intent to Sue Notice, 11 the second page cites what is happening here in the 12 Imperial Sand Dunes; that if this plan is no good, 13 certainly the other ones are even worse and action 14 needs to be taken to stop this terrible vehicle use 15 all over the California Desert District because we are 16 destroying the environment. 17 So it's going to move into a much bigger, 18 worse thing for the entire California Desert District, 19 in my opinion. The OHV community is working very 20 closely with the State Director Mike Pool and with the 21 various field managers and the District Manager, 22 hopefully, to come up with a solution to try and work 23 our way around it. But the prospects aren't real good 24 in my opinion. 25 That's kind of a fill onto what Neil talked</p>	<p style="text-align: right;">Page 44</p> <p>1 I'm pleased to report there is a new 2 publication out dealing with the Mojave Desert called 3 "The Guide to the Wild Mojave" put out by the 4 California Wilderness Coalition. It's breathtakingly 5 beautiful. It's distributed for free at chambers of 6 commerce and in the tourism industry at destination 7 resorts like our own. And it really deals, I think, 8 for the first time in depth with some of the real 9 beauty that's available and some of the area that our 10 visitors really love to go and see. I only have one 11 copy with me. I will put it over here. 12 And I'm hopeful that the California 13 Wilderness Coalition which got special grants to do 14 this from the Resources and Legacy Foundation, several 15 cities, including Twentynine Palms, and some private 16 donations, that this sort of thing will really help to 17 increase the public appreciation for what our deserts 18 have to offer. So I will leave this out there and 19 anybody could take a look at it. I think you will 20 appreciate it, and it would be really nice to see 21 something like this also put together for the rest of 22 the desert down here in the Colorado Desert. 23 In terms of nice surprises, at our last DAC 24 meeting, the TRT for Surprise Canyon put together a 25 list of ten documents it would like to review. Those</p>
<p style="text-align: right;">Page 43</p> <p>1 about what is going on out here. This sand dune 2 issue, I don't know if any of you have seen it, but 3 there is a BLM publication that says that the Imperial 4 Sand Dunes is one of the 12 most enjoyable, most 5 popular recreation areas in the country. That's the 6 BLM's opinion of how important this recreation area 7 and the value to the economy Wally talked about. In 8 the state of California, OHV recreation generates \$9 9 billion worth of economic activity within the state of 10 California. That's a big chunk of dough. 11 And the ISDRA is considered to be the 12 poster child for land use issues nationwide, so 13 theoretically, what happens in the ISDRA you can 14 expect to see in every backyard in the country. So 15 that's why it's such an important issue to those of us 16 involved. I wanted to fill in some of the details, 17 and I would be happy to answer any questions about the 18 status of what is going on here. 19 CHAIRMAN KEMPER: Thank you, Roy. Paul 20 Smith. 21 MEMBER SMITH: Good morning. Three 22 things to submit. I'm a public-at-large member, and 23 with a heavy focus on the tourist industry. And this 24 spring, which is the peak of our season, our business 25 has been very good.</p>	<p style="text-align: right;">Page 45</p> <p>1 have now been delivered to the extent that they exist 2 and will help the Technical Review Team prepare and be 3 ready when the Administrative Draft gets circulated. 4 I notice in the field report for the 5 Ridgecrest office, it indicates that a new internal 6 draft for Surprise Canyon and an Environmental Impact 7 Study is under further review by the Bureau and Death 8 Valley National Park Staff. I don't know what the 9 timing is on it. It indicates it will be ready 10 probably this spring, but I haven't heard anything 11 further. So I have no further report. Thank you. 12 MEMBER PRESCH: I have a question for 13 Paul. 14 Are you aware of or have you thought about 15 looking at the new Department of Interior's guidelines 16 for handling the recent 2477 road decision as it 17 relates to Surprise Canyon? 18 MEMBER SMITH: I thought about it, and I 19 have no idea how it's going to apply. And I haven't 20 had a chance to study it myself, and I don't know 21 whether Inyo County is intending to make a claim. I 22 have heard both sides of that. Ron Schiller may know 23 the answer to that or Steve Borchard. I don't know. 24 But for sure, it's going to have major 25 ramifications in the desert, and how it affects</p>

1 Surprise Canyon, it certainly could.

2 CHAIRMAN KEMPER: Maybe one of you would
3 like to give a little more detail in regards to RS-
4 2477.

5 MEMBER SMITH: I will take a starting
6 crack at it. Anybody can jump in.

7 It's the -- Gale Norton last week issued
8 some guidelines for the BLM to process applications
9 for RS-2477 road claims. As I understand the press I
10 saw, it applied to governmental agencies and did not
11 apply to private parties that would want to use it.
12 But that's one of the questions in my mind. So it's
13 now there.

14 It also indicates that while the BLM has
15 some processing authority there, there is still state
16 law issues, which I don't understand how they come
17 into play. I could guess, but I don't really know. I
18 think it is, however, opening the window to claims for
19 roads that have existed up until the mid-1970s going
20 all the way back to the roads that were primarily used
21 for opening up mining areas and cattle areas.

22 Any supplemental thoughts from anybody
23 else?

24 CHAIRMAN KEMPER: Maybe we could get a
25 report later on if we have time from some of the BLM

1 staff as to how it's being interpreted at this time.

2 MEMBER SCHILLER: I have a copy of the
3 press release from the Department of Interior, if
4 anyone wants to look at it.

5 CHAIRMAN KEMPER: Thank you,
6 Mr. Schiller. Tom Davis.

7 MEMBER THOMAS DAVIS: Thank you,
8 Mr. Chairman.

9 I also want to express my appreciation for
10 the tour and for those who organized the tour
11 yesterday. It was extremely educational. I was very
12 impressed by the public-private partnership that
13 occurs here for the dunes and the involvement of the
14 ASA particularly. I think it's critical that those
15 types of partnerships continue to occur in the future.
16 It will really depend on the users of any recreation
17 area what the health and safety and the future of that
18 resource is.

19 Like I said, it was very educational for
20 me. It's been about 15 years since I have been
21 anything like dune bugging, and it's come a long way.
22 I appreciated the ride, and I think, Neil, I owe you
23 something. I owe you some sand. I took a shower last
24 night after our ride, and I think I left about a
25 quarter pound in the shower. So it was very -- it was

1 a lot of fun, it was a gas, and I really appreciate
2 it.

3 I think an observation from yesterday and
4 today, a little bit about the sheriff resource issue,
5 law enforcement in general. I think there needs to be
6 probably a little more hard data gathering with
7 regards to growth of the recreation itself and the
8 diminishment of the opportunity compared to that. We
9 are going to have more closures regardless of what
10 lawsuits occur. There is going to be public pressure
11 based on growth and development and attitudes of the
12 general public, and you need to hit that head-on.

13 I didn't hear yesterday or read in any of
14 the literature about the projections for growth, the
15 existing increase in usage, and the opportunity for
16 either more or less resources. So that's something I
17 would like to see in the near future.

18 First time on the dunes for myself. I
19 visit them from afar, but have not been on them. And
20 I was very impressed, and I very much appreciate the
21 time and effort that went into yesterday.

22 CHAIRMAN KEMPER: Thank you, Tom.

23 MEMBER SCOTT: We all sound like broken
24 records on the thank you's, but it certainly was a
25 wonderful trip. The education aspect, the outreach

1 aspect that's taken place in the dunes I think is

2 really commendable. Besides thanking you guys for
3 doing this, I want to encourage you to keep going at
4 it and taking more steps. It's always a delicate
5 balance between regulation and education and
6 compliance. And I think you guys are doing a really
7 good job of striking that balance.

8 CHAIRMAN KEMPER: Thank you, Tom.
9 Dr. Presch.

10 MEMBER PRESCH: Thank you. Yes, I
11 really enjoyed it yesterday. But I had another reason
12 for enjoying the ride so much in talking to everybody
13 involved. As I told the DAC last meeting, the Dumont
14 TRT had been set up and we had begun the process for
15 selection of members. And at that time we were still
16 waiting for applications after the public announcement
17 for membership of the TRT.

18 I am pleased to inform the DAC that the
19 Dumont TRT has now been formed. The members include
20 Terry Allen from Nevada Off-Highway Vehicle. Randy
21 Banis, who is associated with Death Valley. Jim
22 Branham, OHV organizations. Dave Charlton from the
23 District Advisory Council. John Dalgeish, Friends of
24 Dumont Dunes. Sheri Davis, the commercial film
25 representative, also on the Council. Gerry Hillier,

1 who was appointed the representative from the County
2 of San Bernardino. Myself, of course. Ron Schiller,
3 another member of the DAC. Kathleen Stosuy, who is a
4 California OHV user. In fact, she is at the dunes
5 today, at Dumont, and she is also a civil lawyer. And
6 Ed Waldheim from the California Highway Off-Road
7 Vehicles were appointed, selected, whatever the
8 process was.

9 I am also pleased to say we had our first
10 meeting on March 21, and we were able to come up
11 almost immediately with a mission statement, with
12 officers. Somehow I got elected as chair. Can't
13 imagine how that worked. I thank Sheri for that.
14 Vice chair is Jim, and we have a secretary, Randy.
15 Randy also does the Death Valley Web page, and he is
16 already putting together the minutes from the first
17 meeting, which will appear on the Dumont Dunes Web
18 page from the BLM office.

19 And the reason we were so successful in our
20 first meeting was that we tried to take the
21 experiences and the history of the Imperial TRT and
22 not make any of the same mistakes and not do what
23 didn't work and do what did work. We actually even
24 have copies of the budget for Dumont already in front
25 of us, so we can see where the money goes. And we

1 talked a great deal about expenditures on the dunes
2 and where the money goes and general introduction to
3 all of the members about the activities that go out
4 there.

5 I might also say from BLM, Mike Ahrens was
6 the leader from the BLM Barstow office, but he has now
7 moved to the Needles office, so we will miss him,
8 although we will stay in contact with him a little
9 bit. He is only at Needles for a couple of months.

10 So we talked about things about -- at
11 Dumont, one of the major concerns is rest room
12 cleaning. We do have a host couple there during the
13 season, and they take care of all of that as well as
14 grading the Dumont Dunes road. So that was a major
15 discussion item because of the summer activity coming
16 up and what should be done.

17 Talked about the road maintenance in the
18 Dumont Dunes. We had a discussion about trash
19 collection issue, which is a big issue out here in
20 Imperial, and I took a look at that and talked to some
21 people about that. And we also took a look at some
22 suggestions that came from the OHV members concerning
23 vendors, vendor space, how we can improve the vendors'
24 row, as it were. We don't have 122 vendors. We have
25 maybe 15 to 20, much smaller area. Our crowds on the

1 weekends are much smaller, 25,000 to 30,000
2 individuals.

3 And we also talked about space-saving
4 devices. How do you come and save space? And we
5 started a discussion on supplemental rules -- on going
6 through a process to provide supplemental rules that
7 could be included in the education material developed
8 and handed out at the dunes entrance.

9 Unlike Imperial, Dumont Dunes has a choke
10 point. Nobody gets in or out without going through
11 the fee collection booth and ranger/volunteer station.
12 So we have a much tighter control, if you will, on
13 collecting the fees and being able to pass out
14 educational material to the individuals.

15 We also requested and have gotten, I think,
16 approval, at least tacitly, from Imperial Sand Dunes
17 here to use the slogan, "If you want to stay and play,
18 take your trash away." And I think the signs will be
19 ready for the next season. So we had a really good
20 meeting. And we have another meeting scheduled on the
21 16th of May at Barstow. And anybody who would like to
22 attend that meeting is quite welcome.

23 The announcement of the meeting will be on
24 the Web site, and we will send it out. Several of the
25 individuals on the TRT also have connections with the

1 magazines and have indicated that they will put the
2 minutes and the announcements of meetings and any kind
3 of public meeting that we have to get comment in those
4 publications so that we have a wide range of
5 announcements going out to the public. And we always
6 have our meeting in Barstow currently -- well, all,
7 one. Our next one is there, 10 o'clock in the morning
8 at the Barstow field station.

9 CHAIRMAN KEMPER: Thank you, Dr. Presch.
10 Roy Denner.

11 MEMBER DENNER: Bill, was there any
12 discussion at your TRT meeting about the idea of the
13 TRT supporting the checkered flag program?

14 MEMBER PRESCH: No, that has not come up
15 yet.

16 MEMBER DENNER: It basically says that
17 people that fly one of the checkered flags on their
18 whip along with their regular flag are indicating that
19 they support law enforcement. And it's had a pretty
20 significant effect at the Imperial Sand Dunes.
21 Whenever there is an altercation, if a number of
22 people show up with checkered flags flying on their
23 whips, the guys who are the troublemakers are far less
24 likely to push their point if they see a lot of us who
25 support law enforcement bundling up together at the

1 incident.

2 MEMBER PRESCH: We did not discuss that,
3 but I can assure you that we will at the next meeting
4 and see how we can get involved with that, because I
5 noticed a lot of those yesterday all over the place.
6 And it's certainly a very positive step forward, so I
7 will bring that up to the TRT next month.

8 CHAIRMAN KEMPER: Thank you, Dr. Presch.

9 Ron Kemper, and I represent renewable
10 resources and grazing interests. And what I can share
11 with you is that we are real happy to see it raining
12 in the desert. Should be a good year for plant life
13 and livestock producers. And we appreciate all your
14 continued support as permittees and grazing operators.

15 At this time I will turn the meeting over
16 to Steve to give his report.

17 DIRECTOR BORCHARD: Thank you, Ron.

18 Tony Danna is here from our State office in
19 Sacramento and would like to inform the Board of the
20 recent development that Congress has bestowed upon
21 both the Bureau and the U.S. Forest Service while they
22 were renewing the fee demonstration program, which
23 allowed fees to be collected in special recreation
24 areas. Tony.

25 MR. DANNA: Good morning. I am Tony

1 In California we have four Advisory Councils. This is
2 the Desert Advisory Council, the DAC, and in the rest
3 of the state it's the RAC. And we have the northeast,
4 northwest and the central California RACs. Well, this
5 is a new RAC, recreation RAC, so as an abbreviation
6 I'll call it the REC-RAC, just to keep things
7 interesting. I'm sure it will continue.

8 The Bureau and Forest Service sat down and
9 tried to negotiate what they wanted to do on this.
10 They wanted consistency throughout the Bureau. That
11 didn't work. The Forest Service had other ideas. As
12 you well know, the BLM is much more represented in the
13 western United States and not in the eastern, so the
14 Forest Service in the east wanted to do it
15 differently. Alaska is a heck of a lot different than
16 anybody else, so Alaska wanted to do it differently.

17 There was never established a Bureau
18 Advisory Council in Wyoming. They were kind of exempt
19 from that. So that didn't work in Wyoming. And of
20 course, California always has to be different, so we
21 are going to have it different in this state.

22 In some states they are using the BLM
23 Resource Advisory Council because they seem to
24 represent the Forest Service and the BLM the same. In
25 California what we are going to do is, because we have

1 Danna, Deputy State Director For Resources for the
2 BLM, State of California. I'm located up in
3 Sacramento, California.

4 I wanted to just discuss this, and I
5 apologize to you. I talked this morning and I think I
6 gave some misinformation, so let me try and correct
7 that. I did a little homework since then.

8 The BLM collects fees throughout the nation
9 under a Recreation Fee Demonstration Program that was
10 established I think back in the eighties. And that
11 process was just kind of renewed over a period of
12 time.

13 Finally, last year, they established an act
14 that made us -- gave us permit authority to collect
15 recreational fees. That was under the Federal Land
16 Recreation Enhancement Act, so we are now going to be
17 operating under that. We are going through a process
18 of implementation. This is not final yet. This act
19 will affect both the Department of Agriculture and the
20 Department of the Interior, primarily Forest Service
21 and the BLM. So we will be enacting that.

22 Through this act, we established a
23 Recreation Resource Advisory Council. And I'm sure
24 there is going to be a lot of confusion with folks
25 having what we call a RAC in the rest of the state.

1 four RACs, including the Desert Advisory Council, we
2 are going to use them as a subcommittee to represent
3 to the full REC-RAC recommendations on recreational
4 fees.

5 Let me explain that this group will be 11
6 members, and it's broken down into somewhat like we do
7 here with three subparts. There will be five people
8 that will represent winter motorized recreation,
9 winter nonmotorized recreation, summer motorized
10 recreation, summer nonmotorized recreation. That's
11 the first group. They have to have five members. So
12 since there are four criteria, you can have more than
13 one in that group.

14 Three people from motorized outfitters and
15 guides -- or one member -- out of this next group,
16 there are three members. One has to be for motorized
17 outfitters and guides, nonmotorized outfitters and
18 guides, and local environmental groups.

19 Then on the third category, three members
20 from state tourism, a representative from affected
21 Indian tribes, and a representative from affected
22 local governments. So this is going to represent the
23 entire State of California. It's going to represent
24 all the Forest Service land in the State of California
25 and all the public lands.

1 So for having the subgroups that we have
2 with the DAC and the other three I mentioned earlier,
3 we wanted to make sure at least one person from these
4 groups also sits on the -- over statewide group. So
5 what we are asking, and this has not been formalized
6 yet. But we are asking folks just to be aware, and we
7 would like the Desert Advisory Council to make a
8 recommendation on at least two members, and as many
9 members as you want to can send in nominations once
10 this gets formalized, to sit on this group. The last
11 I heard, this may happen within the next few months.
12 I'm just worried that we won't have an opportunity for
13 you folks to meet again. So I'm hoping that at the
14 end of my presentation, you might think about and
15 maybe move forward with the recommendations on at
16 least two people to be nominated to the statewide
17 REC-RAC.

18 Let me tell you what they do. And this is
19 where I gave out some misinformation this morning.
20 They will discuss the standard expended amenity fees
21 for recreation. So if you have rest rooms, camp
22 tables, that sort of thing, there will be a fee to use
23 that. They will talk about the implementation, the
24 expansion, or the elimination of those recreation
25 fees. So if there is a new site that has not ever had

1 fees before and we determine we want to establish
2 fees, if there is an area that has fees and we want to
3 eliminate those fees, it has to come through this
4 advisory group.

5 Also, it will deal with the --
6 "noncommercial" is the key word here -- individual
7 special recreation permits. And I think this morning
8 I said that it was only going to be the special
9 recreation permit fees. Under this process they have
10 now set, the Imperial Sand Dune fees would come under
11 that individual special recreation permit fee. What
12 they won't deal with is commercial or group special
13 recreation permit fees. So there is that confusion
14 between the individual special recreation fee and the
15 commercial recreation fee.

16 And then finally, they won't deal with
17 concessionaires and vendors. And you have heard
18 already on the Dumont and Imperial Sand Dunes, that is
19 somewhat of an issue. But this advisory group will
20 not address that. And this is under the act itself.

21 And I think that's it. I just want to make
22 that kind of clear. I have already talked to Central
23 Cal Advisory Council. They have put forward a
24 recommendation to the state director for two members
25 from their group. I knew that there was at least one

1 person that wanted to be nominated, but wasn't
2 recommended. And they plan on going ahead and
3 forwarding their name as a nomination to the state
4 director also. There has been no federal
5 announcement. It will come out in the Federal
6 Register when they are finally ready to do this. I
7 heard it will be done by the end of March. It's April
8 and we still haven't heard anything, so it could be
9 it's just delayed a little bit. But I expect for this
10 announcement and request for nominations to begin
11 probably within the next month.

12 That's all I have.

13 CHAIRMAN KEMPER: I do have one
14 question. You had made mention that you thought it
15 would be important that members from the DAC apply. I
16 am assuming that you are wanting people that will be
17 on the DAC for a period of years, or are you looking
18 for people going off the DAC, or does it matter?

19 MR. DANNA: I would think it would be
20 good to have somebody on the DAC to be sitting on this
21 group. Because of the variance in who can be part of
22 it, it would be nice to have two members nominated for
23 the group that are going to be on the DAC in the
24 future. That's my opinion.

25 CHAIRMAN KEMPER: What is the

1 commitment? How many years is it?

2 MR. DANNA: I don't have that. That has
3 not been formalized, again. Again, the information I
4 have is probably about two months old. It came from
5 January, or three months, now. And again, they are
6 still reworking it. The recommendations have been
7 made in our case to the secretary, but of course, our
8 secretary is leaving. In fact, I think she is gone
9 today. This was her last day or yesterday was. So I
10 don't know. They are probably going to give that to
11 the acting, which is Lynn Scarlett.

12 CHAIRMAN KEMPER: Okay. I do have that
13 down as an action item, and we will take care of it at
14 that part of the meeting. Are there any more
15 questions or comments?

16 MEMBER PRESCH: Just a point of
17 clarification. The list of activities that you have
18 listed there, it's really important to have a
19 statewide group consider whether you are going to pay
20 a dollar to go take a -- use the bathroom in one of
21 these areas. And given the fact -- since it kind of
22 shows you where we are going -- and the other point
23 was that if the Dumont and Imperial Sand Dune user
24 fees are already established, I assume the changes in
25 those would have to go through this particular --

1 MR. DANNA: That's right. Anything
2 already established is grandfathered in.

3 MEMBER PRESCH: Is there anything that
4 would suggest that these fees are going to be removed
5 from the site of collection and put into a general
6 fund that is then redistributed, or will it always
7 stay the same, in that if Dumont Dunes wants to
8 increase the money, the money stays there?

9 MR. DANNA: Within the Act itself, it
10 still says that. So these folks will be recommending
11 basically changes. So as it is now, the funds come
12 back to the site where the fund is collected. And as
13 far as the one dollar fee, I agree entirely. But when
14 you look at the BLM and the Forest Service combined in
15 the state of California, my understanding it's like \$5
16 million.

17 CHAIRMAN KEMPER: That's a lot of trips
18 to the bathroom.

19 MEMBER SMITH: I'm looking to compare
20 this maybe to the fee demo program that's in effect
21 with the National Parks. It's my understanding that
22 for them, 80 percent of those fees that are collected
23 stay local, and then 20 percent goes to Washington or
24 regional or both. Is that a similar pattern?

25 MR. DANNA: I don't know that that's a

1 pattern. And the Park Service is exempt from this
2 act. They are not part of it.

3 CHAIRMAN KEMPER: Ron Schiller.

4 MEMBER SCHILLER: Thank you. Tony, I'm
5 not quite clear. Will you explain this. Is this
6 Advisory Council going to serve both Forest Service
7 and BLM?

8 MR. DANNA: Yes, it will.

9 MEMBER SCHILLER: Another question: I
10 notice as you read the categories, motorized this and
11 that. I didn't hear anything about representation
12 from sportsmen and gem and mineral collecting or any
13 other vehicle-based, but not necessarily motorized
14 activity.

15 MR. DANNA: The winter motorized and the
16 winter nonmotorized, the summer nonmotorized also,
17 they have like mountain biking, hunting, fishing
18 rafting, those are the kinds of groups. When they
19 talk about winter activities, they are talking about
20 downhill skiers, cross country skiers, so those are
21 the folks that are in the nonmotorized category.

22 MEMBER SCHILLER: So there would be a
23 selection from each of those activities, not one to
24 represent all those activities?

25 MR. DANNA: No, it would be all those

1 activities.

2 MEMBER SCHILLER: One person to
3 represent mountain biking, hunting, gem and mineral --

4 MR. DANNA: I always have a problem.
5 Rock hounds are nonmotorized. They go out and look
6 for rocks. How do they get there?

7 MEMBER SCHILLER: Even equestrian groups
8 have to have motorized access for different types of
9 events, like the Death Valley Encampment. I see this
10 as very deficient in representation, so I'm very
11 interested in what is going to happen there.

12 MR. DANNA: Yeah. When they talk about
13 winter motorized, they say recreation such as
14 snowmobiling. I don't know of any other motorized
15 winter activity.

16 MEMBER SCHILLER: Right. This is user
17 fee, but I hear the term "motorized" every time. So
18 they are only going to charge fees for motorized
19 recreation and not any other kind?

20 MR. DANNA: No, also winter nonmotorized
21 and summer nonmotorized. So there is actually
22 representation from both groups.

23 MEMBER SCHILLER: Thank you. Oh, one
24 last thing: Is this publicized somewhere on the Web,
25 or how would I get the copy of it?

1 MR. DANNA: The act is, but the
2 information I have is these are being proposed to the
3 two secretaries, and they haven't been approved and
4 formalized yet.

5 MEMBER SCHILLER: I am familiar with the
6 act, but not what you explained.

7 MR. DANNA: It's still being talked
8 about as being recommended to the two secretaries.
9 Again, I heard it would be done by the end of March
10 and it hasn't happened yet. I wish I would have been
11 able to say this is the formal proposal, but I'm
12 worried they are going to move forward and ask for
13 maybe a 30- or 45-day nomination period, and that will
14 be before this group meets again.

15 CHAIRMAN KEMPER: Mr. Acuna.

16 MEMBER ACUNA: Thank you, Mr. Chair.
17 Tony, I have a general question. How is
18 this different than the fee-based structure that's
19 currently available with the federal government now?
20 How is this different in terms of giving them more
21 latitude?

22 MR. DANNA: Previously, our fee
23 structure, like I said, it was a demonstration program
24 but renewed for -- Steve, do you know how long? -- 15,
25 20 years we kept just renewing it. So that's why it's

1 now permanent. And to do that, they want to have an
2 Advisory Council to advise -- it actually says the
3 secretary, but of course, that will go through the
4 state director.

5 CHAIRMAN KEMPER: They are also looking
6 for consistency between the Forest Service and BLM.

7 MR. DANNA: That's correct.

8 MEMBER SCOTT: I don't want to drag this
9 out, but consistency is great for certain things. If
10 you want to balance out movement of people between two
11 areas, you charge equal prices. But what about local
12 autonomy? Can you talk about how much autonomy there
13 has been in the past, and does this represent the end
14 of autonomy or reduction of autonomy for the local
15 folks that want to set fees?

16 MR. DANNA: I think that within the
17 BLM -- I can't speak to the Forest Service, but within
18 the BLM, we have kind of done it on a regional basis
19 anyway, because we have used these four Resource
20 Advisory Councils to help us establish those. For the
21 desert, I think we are pretty consistent between
22 Dumont Dunes and Imperial and the other dunes as we
23 charge fees.

24 The Forest Service, one of their concerns
25 is because they only deal at the forest level, that we

1 have had some differences within the state. But I
2 would say statewide in BLM, it's been fairly
3 consistent in California.

4 MEMBER SCOTT: Is that important?

5 MR. DANNA: To us? There is always a
6 complaint that a public member does not understand,
7 how can I go over here and it costs \$3, and then I go
8 to the Forest Service and it costs \$10? Shouldn't
9 there be some consistency? It's the same bathroom. I
10 stay there the same number of nights. Why isn't there
11 some consistency? Then when they go to the Park
12 Service, it costs 25 bucks.

13 MEMBER THOMAS DAVIS: The makeup of
14 the -- of this Council -- is it Council or is it a
15 committee?

16 MR. DANNA: A Council.

17 MEMBER THOMAS DAVIS: There is no
18 requirement that the districts be represented;
19 correct?

20 MR. DANNA: The districts?

21 MEMBER THOMAS DAVIS: Four districts on
22 the Council. This Council could be represented on
23 that Council.

24 MR. DANNA: We pushed very hard that
25 it's in there. And I can tell you, as of the fall, it

1 was still in there. Whether it's going to make it
2 through to the very end, I don't know.

3 Part of this is a little bit of politics
4 between sister agencies. And the Forest Service --
5 I'm sorry, that's a shock. The Forest Service
6 definitely wanted -- right now we did a survey for
7 this coming year, for 2006. We have one area that we
8 were thinking about, and that's in Clear Creek outside
9 of Hollister that we are looking at establishing the
10 fee. The Forest Service came in and said they had
11 about 20.

12 So just from the matter of the workload
13 within the state, the Forest Service is going to be
14 dealing with a lot of issues and the BLM a little bit.
15 So because the rest of the agency nationwide is using
16 the established BLM Resource Advisory Councils, that
17 put us in the position of, well, do we get
18 representation? So we tried really hard to make sure
19 you had representation on there. And the guarantee
20 that we had from at least the Forest Chief in the
21 state, the regional Forester, was that we had at least
22 one member from our RACs on there. So it gives us
23 four positions on the 11-member team that represents
24 BLM only. Some of you that are sitting here deal with
25 both Forest Service and BLM, so you can easily cross

1 over from one representation to the other.

2 MEMBER THOMAS DAVIS: So there is no
3 strict guidelines as of yet?

4 MR. DANNA: I'm hoping when it's
5 formalized it will be, but not yet.

6 MEMBER THOMAS DAVIS: It seems to me
7 philosophically and geographically, it would be
8 appropriate. Even bureaucratically, it would be
9 appropriate.

10 MR. DANNA: I agree.

11 CHAIRMAN KEMPER: Any other questions or
12 comments? At this time I'm going to call for a break.

13 (Brief recess was taken.)

14 CHAIRMAN KEMPER: Back on the record. I
15 would like at this time to introduce Denise Ducheny,
16 who is a Senator --

17 SENATOR DUCHENY: Thank you. I just
18 stopped by. I was here in Imperial Valley yesterday,
19 and I've got to head back to San Diego today. But I
20 appreciate the opportunity to be here with you all.
21 And whatever we can do to help with the challenge of
22 the work that you are all taking on here is enormous.
23 And we appreciate people taking the time to be on the
24 Advisory Council. And I know people took a tour
25 yesterday, and these are real precious lands out here.

1 I mean, the dunes, all of the east side of Imperial
2 County, both in the north and south, is beautiful
3 country. And we want it to be as accessible to
4 everybody as it can possibly be.

5 It's a huge challenge to Imperial County
6 when they have double the size of the county on
7 Thanksgiving weekend, with people who come from the
8 other side of my district, Chula Vista and San Diego,
9 and I represent the Coachella Valley, as well. And so
10 many folks really enjoy being in the desert and the
11 recreational activities that exist.

12 We need to preserve that opportunity, and
13 striking that balance is always a tough challenge.
14 It's been a tough challenge at the State with the
15 Greensticker program and some of the other things we
16 do. And I know at least most recently our own
17 commissions have not been functioning the way they
18 ought to be, and we have the renewal of that program,
19 the reauthorization this year again. And it's facing
20 some different kinds of challenges.

21 And I know Roy and some others have been
22 participating trying to make sure we get a full
23 complement of people on those commissions to make sure
24 people are paying attention and working with you and
25 all of the folks, the users and the folks that want to

1 use it in different ways.

2 So whatever we can do, I'm just wanting to
3 hear from you, even though just briefly. And I got
4 all my materials. But if there is anybody who wanted
5 to share anything else with us that we could take back
6 to Sacramento, I will be going back tomorrow night,
7 and then we get out for Easter. And then we are back
8 again.

9 There will be some issues in the budget
10 that relate to you, and I would encourage all of you
11 to let us know. We have an office in El Centro, Chula
12 Vista, as well Coachella, as well as Sacramento, so we
13 are not hard to find. And to the extent your
14 discussions lead to something that the state needs to
15 be aware of or help with, we want to make sure you
16 have resources available. We will be working on the
17 budget now pretty intensely until June or until there
18 is one, whichever comes first. And we hope that if
19 there is anything we do need to do -- there is a lot
20 of talk about bonds. If the legislature is not
21 successful in getting a November bar on the ballot
22 that includes a natural resources component, there
23 will be one on the ballot that's going to be done by
24 signature. But the one the legislature has been
25 working on we hope will suffice. But if there are

1 things that we need to be aware of in this context, we
2 want to make sure people know to call.

3 MEMBER BETTERLEY: Could I ask a
4 question? Ma'am, you are a state senator, are you?

5 SENATOR DUCHENY: Yes.

6 MEMBER BETTERLEY: In your wisdom and in
7 your developing the dollars for a lot of the programs,
8 would you keep in mind that the monitoring of these
9 different areas that you do, especially in the state
10 wilderness area and the state parks, the monitoring
11 falls apart after the second year because of funding.

12 SENATOR DUCHENY: Yeah, because we
13 haven't been funding the maintenance of that.

14 MEMBER BETTERLEY: You've created one of
15 the biggest problems in the world, so a lot of the
16 people, including myself, think that the state senate
17 is probably the biggest violator of it. And I wish
18 you would keep that in mind.

19 SENATOR DUCHENY: Yeah, it's a huge
20 challenge. The budget has been an enormous challenge
21 and parts get shorted a lot in that process. Schools,
22 prisons, and universities tend to get -- the schools
23 have their own crowd out because of 98, but what
24 happens then is everything else that's going to the
25 general fund, and that would be all of health care,

1 all of the universities, all of the prisons, they get
2 thrown in the same pot with the parks and the natural
3 resources. And it becomes a huge challenge to protect
4 any of that.

5 That is one of the reasons the bonds, if
6 you will -- if you look at the bond discussions that,
7 cross my fingers, may be started -- they sort of
8 started again this week and we may be someplace next
9 week, but both the one that the Senate proposed as
10 well as the one circulating for the ballot, there is
11 substantial money in for deferred maintenance.

12 MEMBER BETTERLEY: That's for the first
13 maintenance of it, but then there is nothing in there
14 that makes it continue, so that this thing doesn't --
15 the wheels come off the wagon.

16 SENATOR DUCHENY: Actually, it's not the
17 beginning. It's the deferred maintenance is the thing
18 that hasn't been done to keep it up. And the bigger
19 problem is fundamentally just ongoing resources for
20 positions for the park rangers and interpreters and
21 folks that do it on a daily basis. There were huge
22 freezes going on in the State. The people were frozen
23 in positions, and they weren't allowed to fill
24 positions. And there have been a lot of problems with
25 that.

1 One of the things that's been a sore point
2 a little bit is the State actually begged off on
3 acquiring new land until we can figure out how to make
4 sure we can maintain the resources that we have. But
5 I'm hopeful the budget is looking a little bit better,
6 but it's worth keeping in mind. And we will watch the
7 parks budget. We are hoping that we can give you a
8 little more than what the governor has proposed
9 because it's short in that arena. And it's partly
10 because the courts have taken over the prisons, and we
11 are having to respond to that.

12 It's just there ain't enough to go around,
13 as usual. It's kind of the way it works, but it's
14 important and it's such a small piece of the budget
15 because it doesn't take that much. In a bigger
16 universe, it isn't a very large piece that it takes to
17 make that work. So I appreciate the thought. Anybody
18 else?

19 CHAIRMAN KEMPER: Thank you, Senator.

20 SENATOR DUCHENY: Thank you all very
21 much for the opportunity to see you today. I know
22 there will be a lot of you out here Easter week.

23 (Applause from the audience.)

24 CHAIRMAN KEMPER: Once again, thank you
25 very much. Steve Borchard.

1 DIRECTOR BORCHARD: Well, even though
2 you have heard it several times already, I want to
3 take the opportunity to thank those partners who
4 helped organize the tour yesterday. I really
5 appreciate the effort and felt like it was an
6 excellent tour and there was a lot of great dialogue
7 between a diverse group that attended the tour. And
8 specifically, I want to thank Bob Mason for organizing
9 all the drivers to take people around on the tour and
10 those drivers who volunteered their time to do that.

11 Also, I would like to thank Wally for
12 organizing the dinner last night. Once again, good
13 time was had by all and appreciate the effort and the
14 good food.

15 I'm disappointed to see that the deputy
16 sheriffs have left because I also wanted to express
17 appreciation from BLM for both Sheriff Carter and the
18 deputy sheriffs for their efforts in helping manage
19 both a safe and enjoyable experience out at the dunes.
20 I can truly say that if it wasn't for their
21 contributions, we would be severely challenged in
22 managing the recreation out there.

23 I also want to thank Imperial County for
24 their help and communicate that indeed our agreement
25 with them, it's been our strong desire to continue

1 that agreement and continue to make adjustments in our
2 programs and the way we offer permits to visitors and
3 strive to make that part of our business out there
4 much more customer friendly.

5 On to districtwide and bureauwide comments.
6 In early March, Mike Pool and I signed the Record of
7 Decision for the Western Mojave Plan, 15 years in the
8 making. We are very, very happy to have that behind
9 us because it means all those little items on the
10 settlement agreement from the lawsuit several years
11 ago terminated with the signature of that Record of
12 Decision. So it's great to have that workload behind
13 us.

14 I can talk a little bit about the recently
15 released policy or guidelines on implementing 2477
16 that we received from the department. I kind of
17 zeroed in on some things that were -- just a few items
18 here that I thought were worth sharing.

19 The guidelines we received tell us where a
20 claimant, which would be a county, wishes only to
21 maintain the existing status quo of a road, then the
22 BLM should initiate a road maintenance agreement with
23 that entity. And within that road maintenance
24 agreement, the BLM should only agree to include
25 actions that would preserve the status quo of that

1 road through maintenance. And that that maintenance
2 activity must protect the surrounding and underlying
3 federal lands.

4 In other words, we do not have the
5 authority to allow any maintenance activities that
6 would diminish the values that are already out there
7 in existence on that land. If a proponent wishes to
8 go beyond preserving the status quo and upgrade the
9 conditions of the road, then BLM is required to go
10 through a public analysis and decision process, much
11 like any other project that has on-the-ground impacts.
12 So RS 2477 is not carte blanche for counties to come
13 in and take control of public lands and public
14 resources. BLM is still required to follow the
15 decision making and NEPA analysis process, should
16 there be any disturbance that will have considerable
17 impacts.

18 I guess this is the last day or yesterday
19 was the last day for Secretary Norton's occupation of
20 that position. I should, I guess, let you know what I
21 know -- which is probably nothing more than anybody
22 else knows. Lynn Scarlett, our deputy, is going to
23 assume the role of acting. And the administration has
24 offered up -- the Governor Dirk Kempthorne of Idaho as
25 the replacement. And the Senate wants to go through a

1 confirmation process to confirm Governor Kempthorn's
2 appointment to the position. I can't tell you what
3 the time line is on that.

4 I think that's all I have.

5 MEMBER SCHILLER: I have a question.

6 CHAIRMAN KEMPER: Ron Schiller.

7 MEMBER SCHILLER: Did I understand you
8 to say that only a county can assert RS 2477 and not a
9 private property owner?

10 DIRECTOR BORCHARD: Yes. That's my
11 understanding.

12 CHAIRMAN KEMPER: At this time does the
13 Council -- you have received copies of the field
14 office managers' reports. Does anybody have any
15 questions or comments regarding those reports?

16 MEMBER DENNER: My questions are for
17 Vicki regarding a couple of things in your report.
18 One has to do with the plans for a new solar energy
19 facility that is going to take up, according to your
20 report, some 6,000 acres. The report does not say
21 where that's likely to be located. I would be
22 interested in that.

23 And the second thing is you have taken
24 bids, I understand, for geothermal exploration. Same
25 question: Where are you suspecting that those

1 geothermal plants might be located?

2 MS. WOOD: We don't have exact locations
3 for those yet. We are talking with the proponents,
4 trying to guide them in places to stay away from. So
5 we don't have an exact yet. We are in meetings with
6 them all the time, and as soon as we do have that,
7 they will come out as an application and you will
8 know.

9 MEMBER DENNER: Even for the 6,000-acre
10 solar plant, there is no location yet?

11 MS. WOOD: There is no exact location.
12 They are still looking.

13 MEMBER DENNER: I would expect if they
14 happen to take up OHV recreation areas, that that
15 impact will be mitigated by expanding some other area
16 or replacing the areas we lose for OHV recreation;
17 right?

18 MS. WOOD: We don't know how all that's
19 going to work out, but I know you are going to be
20 there talking to them.

21 CHAIRMAN KEMPER: Vicki, what I can
22 share with you is that the Council has always been in
23 support of being able to mitigate not only for
24 endangered species, but also for other uses that are
25 involved. And it's something that's always gained

1 overwhelming support from the Council. So hopefully,
2 you will keep that in consideration.

3 MS. WOOD: If it pleases the chairman, I
4 would like to introduce a couple of folks in the
5 audience.

6 MEMBER ACUNA: I'm sorry to interrupt
7 you, Vicki.

8 Mr. Chair and Roy, you mentioned those
9 locations. Earlier in the meeting I put a brochure on
10 Sunrise. It's got some great aerial photos. Take a
11 chance to look at it. But one of the things that that
12 power line will be doing is linking up with any
13 potential site of the energy sector you are talking
14 about, the solar energy site. And that has not been
15 chosen yet, but the power line is going to follow
16 where that is. Sorry to interrupt. Thank you,
17 Mr. Chair.

18 MS. WOOD: I would like to introduce
19 Gary Taylor. He has been our acting resources chief.
20 And I would like to introduce Tom Zale, who will be
21 replacing Gary's acting position. And he will be on
22 board May 16, so he will be your new contact for
23 resources in the El Centro field office.

24 CHAIRMAN KEMPER: Very good. Any more
25 questions for Vicki?

1 MEMBER SMITH: I have one question.
2 This is the forgotten left end of the table.

3 Vicki, Brad Mastin out of the Ridgecrest
4 office is doing some wonderful work following up on
5 some suggestions that were made at our last meeting
6 for National Scenic Highway designation and Scenic
7 Byway designation and even some Back Country Road
8 designations.

9 And I don't know whether that has spread
10 down to this part of the desert or not. But it's
11 received some wonderful accolades from people who are
12 in business in the Morongo Basin area. And I'm sure
13 the Desert Advisory Manager's Group is actively
14 looking at it. And it's probably something that the
15 whole desert should be looking at as designated areas
16 with that special status.

17 MS. WOOD: I think you pretty much
18 answered your own question there in that specifically
19 in our district, no, but desertwide, yes, and the
20 Desert Manager's Group I think is looking at that
21 more.

22 MEMBER SMITH: Is might be good if your
23 office communicates and takes a look at your inventory
24 of roads.

25 MS. WOOD: We took that under advisement

1 from the last meeting. Thank you.

2 MEMBER SMITH: Okay. Very good.

3 CHAIRMAN KEMPER: Any questions or
4 comments regarding any of the other field managers'
5 reports? I just have one comment.

6 Horsethief Springs will be getting
7 advertised for more public campaign. And there is
8 going to be facilities built there. Historically,
9 Horsethief Springs was developed by grazing interests
10 and still maintained over the last hundred years by
11 grazing interests. And we look forward to having the
12 public visit with us and see our stewardship for the
13 last hundred years.

14 We know that there will be some challenges.
15 They will be looking at things that they are not used
16 to be looking at and probably fiddling with stuff they
17 probably shouldn't be fiddling with. But we hope to
18 join in a joint effort to educate the visitors out
19 there on that allotment and look forward to getting
20 along with them and educating them in such a fashion
21 as will be positive.

22 Steve Razo. Are you ready? This part of
23 the program will be directed towards the United Desert
24 Gateways and will be a question-and-answer period, I
25 guess.

1 MR. RAZO: Nicole, if you could come
2 forward. I am up here in a sense for support.

3 I have the privilege of working with
4 closely with Nicole Nicholes Giles, who is the
5 president of the United Desert Gateway and Brawley
6 Chamber of Commerce, and I will be handing the mike
7 over to her in a second, but we have a presentation
8 that will give you a background on United Desert
9 Gateway. Also followed up with a presentation from
10 the American Sand Association.

11 We worked the last few weeks in putting
12 this presentation together, and we are very excited
13 and thrilled to show you what we are going to show you
14 because it represents tremendous growth, tremendous
15 direction, and a tremendous future in what the United
16 Desert Gateway, working in concert with BLM and the
17 American Sand Association, what can happen and what
18 kind of an impact we are having.

19 As you have heard this morning, Neil has
20 tremendous challenges working with the dunes issues.
21 And what we are trying to do is through these
22 organizations, is develop new roads of education, new
23 ways to get the word out, and by involving the
24 chambers of commerce of Brawley, El Centro and Yuma,
25 it's really unheard of. It's a first in the Bureau.

1 The Bureau has their eyes on this program. It's
2 having a great impact, and what you are going to see
3 in the next few minutes will certainly justify all the
4 hard work.

5 So what we are going to do is ask the Board
6 again to look at the wall, turn on the projector, and
7 then we will see what is there.

8 MS. GILES: While Steve finds our
9 presentation, I want to thank you all for allowing me
10 the opportunity to be here today to share with you
11 what we have been working on now for a couple of
12 years.

13 As Steve said, United Desert Gateway was
14 formed in September of 2004, and it's the effort
15 between the Brawley and El Centro and the Yuma,
16 Arizona, chambers of commerce.

17 One of our first big trips was to
18 Washington, D.C., and you can see there are members
19 there of the American Sand Association and the
20 Off-Road Business Association. And we met with
21 Kathleen Clark, and that was a really big deal for us,
22 to basically tell her what it is we wanted to do. And
23 it was a very successful trip, and I will talk a
24 little bit more about that in a bit.

25 This is a slide showing that Dr. Haas is

1 someone that we have hired to work on our tourist and
2 monitoring project. And Dr. Haas is out of Colorado
3 State University, and he specializes in recreation on
4 public lands. We have been getting a lot of really
5 great press coverage as well, so we have been very
6 pleased with that.

7 The purpose of the United Desert Gateway is
8 to develop support, communication, and cooperation
9 with gateway communities associated with the Imperial
10 Sand Dunes recreation area and other BLM public lands
11 in the region. So far we have been focusing on the
12 Imperial Sand Dunes recreation area, and as we
13 continue to grow, we can focus in other lands such as
14 Ocotillo Wells and some of the other areas.

15 This was a ceremonial signing of the
16 assistance agreement with the BLM. And Kathleen Clark
17 flew in from Washington, D.C., and Linda Hansen, who
18 was the former Desert Manager, and you can see our
19 booth in the area.

20 These are all the people that were present.
21 Cathy Kennerson, who is our vice president, as well as
22 Ken, and Bill Woody came in from Washington, D.C., as
23 well as Kathleen Clark, and Sheriff Carter is there
24 with his wife.

25 For those of you -- I think most of you on

1 the tour yesterday, I don't have to tell you how large
2 the Imperial Sand Dunes recreation area is. This kind
3 of puts things in perspective. You can see the Salton
4 Sea and Sand Dunes, and it's a really large area and
5 it is the single-most high collected fee area for the
6 BLM.

7 The primary focus of the United Desert
8 Gateway is to involve the local community, because we
9 believe that will preserve the integrity and long-term
10 sustainability of the ISDRA and other local BLM public
11 lands. People knew a lot more about what was going on
12 in the sand dunes than we did ourselves, so we wanted
13 to be involved and make sure we understand what is
14 going on out there and to make sure that we are doing
15 everything we can to preserve the integrity and long-
16 term sustainability of the dunes.

17 We have two task orders. The first is the
18 education and outreach task order. Basically we want
19 to engage the public, the recreationists, the tourists
20 and the United Desert Gateway communities with the
21 intent to increase awareness, respect, knowledge.

22 Our second task order is the tourist
23 monitoring program. That is the active program in
24 which we are literally serving duners right now. And
25 I will go into that in a bit. And we want to track

1 tourist use over time and the associated economic
2 impact. There have been several instances where I
3 have contacted county or specific cities to find out
4 exactly how much money has been brought in, and nobody
5 can really give us an example as to what those -- what
6 that income is. So this is something that we are
7 working on.

8 Plus we want to see what people are doing
9 when they might not necessarily be duning the whole
10 time. They might want to come into a shopping area
11 and spend some money in our community, and we are
12 going to welcome them.

13 In a year and a half we have done quite a
14 bit. We were able to get a summer intern to help us
15 with some of our tasks. Steve and I attended a
16 conference in Ontario and Washington, D.C., and
17 another trip. We continue to foster or partnership
18 with ASA, who have been really helpful in everything
19 that we are doing. We have also put together a
20 welcome newspaper publication and this is it. And I'm
21 sure all of you will get a copy of this before we
22 leave today. And we also have developed a Web site,
23 an information Web site about the rules and what we
24 can and can't do out there. We want to make sure
25 everybody has a safe experience out there.

1 We also participated in a billboard
2 program. Couple years back you come out to the dunes
3 and all you saw was, "Break the law, go to jail." And
4 as far as I know, that's not a real pleasing message.
5 And yes, you break the law, you go to jail, but we
6 want to welcome people. There are thousands and
7 thousands of recreationists going out there. And we
8 want to say, "We welcome you." And we did this in
9 conjunction with McMillan Homes, American Sand
10 Association.

11 This is another example of the billboard
12 that we put together with the American Sand
13 Association, the sheriff's department, and the BLM.
14 And Weekend Warriors sponsored it because these
15 billboards are not cheap. And you can see the Weekend
16 Warrior and Dunes Open/Dunes Closed on the other side.
17 "Take Time Out For Safety" is a huge slogan we have
18 been using for quite some time now, and it's prevalent
19 on a lot of our on-the-ground outreach.

20 The BLM was out over President's Day with
21 information booths. We want to make sure people have
22 no reason to act ignorant as to "We didn't know you
23 can't do it," so we wanted to have as much information
24 to people as possible. Several people utilized it,
25 just wanting to ask questions about permits or

1 closures or things like that, so it was very
2 successful.

3 This is the presentation of the law
4 enforcement trailer. "Take Time Out For Safety" there
5 with the sheriff's office, the BLM, as this is a
6 trailer donated by Weekend Warrior for the dunes that
7 doesn't have a permanent location, so they can take
8 their buggy and put it in the storage facility, and
9 it's a really a great place for them to use as a
10 headquarters for that particular part of the dunes.

11 You see the buggy in the background that
12 was part of the program. And this picture I put in
13 here to show there are so many local officials
14 available who care about what is going on. Brawley
15 City Council members, County Board of Supervisors, as
16 well as Yuma City Council members, who were all
17 present during the donation of the Weekend Warrior
18 trailer.

19 This is something that I think some of you
20 saw last night. This is Leo the Lizard. And he is
21 very important. He helps us with our trash message.
22 He was distributed to all kinds of businesses who
23 cater to the off-road community so when they purchase
24 something, they put this message along with their
25 products and ship it out, because we are not going to

1 tolerate trash at the dunes whatsoever. And we were
2 able to get a local number. If someone sees
3 litterbugs, they are report them to that particular
4 number. We want to make sure that people understand
5 the harshness of this message: If you want to keep
6 the dunes open, you need a take your trash away,
7 period. Leo is everywhere.

8 This is Kathleen Clark looking at our Leo
9 the Lizard message. You can drive around Gecko Road
10 and you see big rigs camping there. They want to
11 encourage other people around them to make sure that
12 they have a litter-free zone in their camp, as well.
13 So we are very happy with Leo.

14 Here is some information. I think this
15 will be in the American Sand Association's
16 presentation, but we were helping BLM with the new
17 recreation area map just to make sure that the
18 pertinent safety information was in there. And the
19 "Play Nice" is a sample of one of the kiosk panels we
20 are going to be putting up soon. We want to make sure
21 that we also spread the message of "Tread Lightly."
22 You are out there. It's public land, but "Tread
23 Lightly" is a really great message, and there will be
24 books that you can look at in your packets.

25 Again, more positive media outreach. We

1 are very pleased with that. The local papers have
2 been really involved with trying to make sure that
3 they understand what is going on within our Desert
4 Gateway, and they keep in touch with us constantly to
5 make sure we get our message out.

6 Regional outreach -- this is the same as
7 the billboard message you saw. This has been out in
8 various off-roading publications and it was also in
9 Sand Sport Super Show publication. Unfortunately
10 that's the only real example of sometimes what the
11 traffic situation looks like out there, and obviously,
12 we can't have it that way now because any trash on the
13 ground will keep the dunes closed. It's a huge
14 environmental issue, and it's something we work on
15 constantly. We will not tolerate it.

16 This is a slogan that we made: "If you
17 want to stay and play, take your trash away," and
18 again, it's an ugly message, but that's one that has
19 to get out. Again you see our partners, the American
20 Sand Association, the BLM, and the sheriff's
21 department as well.

22 This is the cover of our "Welcome to the
23 Dunes" newspaper publication. There are a couple
24 copies out on the table. We are really proud of this.
25 We were able to publish it in conjunction with the

1 Imperial Valley Press. And the reason that we put
2 this together was because there is nothing like it to
3 our knowledge out there already. And we wanted to
4 make sure that people coming out there understood what
5 the rules were, who the people were, like the main
6 players involved in what was going on out there, as
7 well as the map of the area.

8 It includes the closure areas and it talks
9 about our cleanup in there, as well as a listing of
10 all the local businesses in the Yuma County and
11 Imperial County that cater to off-road vehicles. They
12 want to know where can I go to get that fixed? So
13 there is a whole list of businesses in the back, and
14 that's the whole reason why the chambers are involved,
15 to help promote our community and our businesses.

16 This is our poster for our cleanup. And
17 you see all the people that really came together to
18 help sponsor the event to make it possible. And it
19 really takes this many people because it's such a huge
20 event. It was held over Martin Luther King weekend on
21 January 14, and we had over 3,000 volunteers. It was
22 incredible. It's the first year that the United
23 Desert Gateway has taken it over. We had one in the
24 north dunes and one in the south dunes.

25 "Take Pride in America" is a program that

1 we got involved with in conjunction with the cleanup.
2 And "Take Pride in America" is a national partnership
3 initiative, so what we do is we register with the
4 "Take Pride" program on their Web site. And anyone
5 that is out and about -- or we get lots of snowbirds
6 down here. They can look it up on the Web site and
7 see that this event is going on and they can
8 participate. So it was very successful.

9 And I was talking to a guy, and he was very
10 excited we were doing it. And he had no idea of the
11 magnitude of cleanup. He was talking about cleanup in
12 the L.A. area over New Years, and he had 100
13 volunteers. And I said, guess what. We had 3,000.
14 He was, like, I will be out to your cleanup next year.

15 We get lots of companies to donate prizes,
16 and everyone that comes gets a free T-shirt and free
17 food. And this is all free to them as long as they
18 pick up some trash. So we had a really large crowd.
19 So they were all happy to be there and a lot of fun.
20 It was a family event. There were kids everywhere.
21 So we are teaching kids that trash is unacceptable,
22 and they were picking up other people's trash, and
23 they were very happy to do it.

24 This is the truck that was donated by FunCo
25 and a dealership out of Rialto, I believe -- Sunrise

1 Sport. And basically Tim Gantz is here, and I am sure
2 you will hear about this in a little bit. But he is
3 the guy that basically lives out at the dunes and was
4 going out picking up trash wherever he found it. And
5 he had this old truck that didn't seem to get around
6 very well. So a lot of people got together and made
7 it possible, including United Desert Gateway, to get
8 this truck donated for a couple of years to continue
9 on with his trash message and to go around and pick up
10 trash and help us with our many cleanups and with our
11 big cleanup.

12 And it's been very successful. And just
13 driving around seeing that helps put out the message
14 that this is the dunes outreach time and it's a
15 litter-free zone. So it's been very successful, and
16 we will talk about that, I'm sure, a little bit later.

17 This is a copy of our trash bags. This is
18 what they look like. They were distributed to the
19 BLM, to local businesses, and to a lot of the venders
20 that are out there to encourage people to pick up
21 their trash. This is the big bag, and it was done in
22 conjunction with all these different sponsors listed
23 on it. And the local businesses out there, if you buy
24 something, they will give you one of these bags. And
25 this is another way of getting Leo the Lizard message

1 out. It's been a very successful campaign.

2 This is Kathy Kenderson and her daughter,
3 Kailie, with Wally Cahill on New Year's Day a couple
4 years ago talking to Wally Cahill. So it's just more
5 of our public outreach.

6 And this is a slide you can't see very
7 well, but Wally Cahill now has a TV show, and I
8 believe it's on ESPN 2 -- Fox Sports, but this is at
9 the Sands Sports Super Show, and he interviewed us
10 there. And we were talking about our Leo the Lizard
11 program and our newspaper publication. He has been
12 very good to us.

13 Coming up, we are going to be working on
14 information kiosks. We have five different points we
15 will be having information kiosks at right now. Since
16 it's such a highly visited area, we want to make sure
17 that people understand what the rules are. And we
18 want to talk about Desert Tortoise habitat and things
19 of that nature, and also we are currently in the
20 process of working on the economic impact study with
21 Dr. Haas.

22 This is one of the information kiosk
23 panels, and I believe it's out front -- or it's over
24 there. That is literally the panel that will be put
25 in the kiosk, so we just need to put the actual kiosks

1 in the backyard of BLM right now. And we need to get
2 them in the ground. And we got approval on them
3 finally, so we are going be working on this. So by
4 the next season, all our kiosks will be out in the
5 dunes.

6 This is another kiosk panel. It shows the
7 bird cage evening primrose. We want people to
8 understand what the flora and fauna is out there.

9 As far as our monitoring program, we want
10 to know kind of what the visitors do. Who is coming
11 out there. How often they travel out there. How long
12 they stay. What type of activities they are
13 interested in when they are there. Again, we found
14 out that some wives don't want to dune all day long.
15 We have some local casinos around they might want to
16 take a trip to or arrange trips for them to go to
17 Algodones, Mexico. We want to know how much money
18 they are spending when they are here.

19 And our local university, San Diego State,
20 has the Center for California Border Regional Economic
21 Studies, and they are going to basically analyze the
22 information that we have. And we sent out our survey
23 just about a month ago to over 800 people, and it's a
24 really good cross-section. Dr. Haas is working with
25 the local sheriff's department to make sure it's a

1 good cross-section of people polled.

2 We want to know what the visitors think.
3 What do they think about the fees and registration
4 system. Do they want more information about our local
5 community. They want to know more about regulations
6 or what other types of facilities are available out
7 there.

8 Here is a timetable for our program. We
9 expect to have the final report and presentations
10 available for August of this year. So very pleased
11 and anxious to see what kind of information we are
12 going to gather from this survey.

13 And that's a blank slide. The total impact
14 to date as far as all of our volunteer hours and cost
15 sharing activities. The cost-sharing activities have
16 equaled \$334,059. Volunteer time -- this is not
17 including the volunteer time that we have for the
18 cleanup, but so far it's about 1310 hours of volunteer
19 time. I hope these figures speak volumes to you
20 because there are a lot of people that put a lot of
21 time and effort. And the cost sharing activities
22 alone are \$334,000 worth. That's really a phenomenal
23 amount of money. And that's basically it for now.

24 Does anybody have any questions? Tom does.

25 MEMBER ACUNA: Great presentation.

1 Really think what you and BLM are doing as well as
 2 Sand Association are doing is great. Is it possible
 3 to have an outreach program to environmental groups
 4 who are out to shut down sand dunes? I mean, do they
 5 understand the things that you are doing and do you
 6 understand their objectives? And is this some sort of
 7 middle ground that can be done with an outreach
 8 program to them, like Southwest Center?

9 MS. GILES: It's absolutely possible.
 10 We have not begun it to date yet. I would like to
 11 think that the information that we have in our
 12 newspaper publication outreach information -- it talks
 13 about safety as well as "Tread Lightly," and I would
 14 assume that "Tread Lightly" is a really great
 15 environmental message. So I think that yes, we could
 16 probably get a better idea of sharing that information
 17 with the environmental groups, yes. If you have any
 18 suggestions, they are always welcome.

19 MEMBER ACUNA: I don't see anybody here
 20 from Southwest Center, and I think that if you want to
 21 keep the dunes open, you have got to get them on board
 22 without violent lawsuits. And the only way you are
 23 going to do that is to understand their objectives and
 24 to meet them and know them. You can't win a battle
 25 unless you know your opponent, so you have done a

1 wonderful job educating folks who enjoy recreation
 2 there, and that's the first step in bringing people
 3 together.

4 But that would be my recommendation,
 5 somewhere formulate that into your plan at some point.

6 MS. GILES: Okay. I appreciate that.
 7 Thank you. Any other questions?

8 CHAIRMAN KEMPER: Just a comment for
 9 Tom, and this is certainly my opinion. One of the
 10 things that you need to understand about
 11 organizations, not all, but like the Southwest is that
 12 they make a living filing lawsuits. They average
 13 filing a lawsuit every 28 days. That's their job. So
 14 they have been invited to participate in TRT's. They
 15 have been invited to participate in the DAC. And they
 16 have told us quite frankly it's not in their best
 17 interest.

18 MS. GILES: Anybody else? Well, thank
 19 you, again, very much for allowing me to be here
 20 today. I really appreciate it.

21 (Applause from the audience.)

22 MR. RAZO: With Bob Mason, he is the
 23 other part of the 1-2 punch that we now have down
 24 here. And I guess he will show you a video first.

25 MR. MASON: Yes, why don't you do that.

1 (Video shown.)

2 While Steve is bringing up a few slides
 3 that I have, let me just tell you that in the packet
 4 that all of the DAC received and anybody else out here
 5 that didn't receive one or a DAC member that didn't,
 6 let us know and you certainly can have one. In this,
 7 the video you looked at is five years old. The other
 8 one that we just produced which shows the growth of
 9 the Pierson's milkvetch in this last wet season is
 10 about 14 minutes long. And I didn't want to take your
 11 time, but it's in your packet, so do take a look at it
 12 when you get a chance.

13 First of all, thanks for the opportunity.
 14 I really do appreciate being able to speak to you. I
 15 want to thank my good friend Jerry Seavers. He kind
 16 of helps the two of us stay on the same path. And
 17 that's really important.

18 Well, who am I? I'm the chairman of the
 19 American Sand Association. I'm a long-time sand
 20 sports enthusiast for 40 years. I have a grandson and
 21 a son down there regularly. I'm a retired Water and
 22 Power reclamation executive. I worked for the Salt
 23 River project in Phoenix, Arizona, for 40 years, and I
 24 have extensive planning and project management
 25 experience. So why do I do this? I'm a full-time

1 volunteer. Why do I do this? Because I have a
 2 passion for maintaining access to public land. And so
 3 that's why I'm here, and what I want to talk to you
 4 about.

5 First of all, Nicole told you a lot about
 6 the partnerships that we have, so you will see a few
 7 slides again. I want to talk about Partnership in
 8 Action, and I want to answer some of Tom's questions
 9 that he brought up about the environmentalists and
 10 what we are doing and what we are going to do to
 11 partner up with that community because if we can
 12 partner with the business community and with the land
 13 managers, there is no reason we couldn't partner up,
 14 no matter how obstinate some of them might be.

15 I want to tell you about the success
 16 stories, public safety program history. And I will
 17 refer again to your bag, but in that bag is a booklet
 18 that reviews three years of our stewardship program
 19 which started out as partners in doing safety and now
 20 has been broadened, as Nicole has told you, to include
 21 Partners in Stewardship. Then I want to ask you to
 22 endorse some things, and that will come along as we
 23 finish up.

24 We have taken a lot of pride, and ASA has a
 25 strong and a good working relationship with the BLM,

1 with the sheriff, with the community and the
2 politicians. Yeah, we do disagree. But we try not to
3 be disagreeable, as some others may have been.

4 Let me show you some of the results of the
5 program. First of all, we laid on the table there --
6 and I think someone else mentioned it -- this red
7 booklet that was put out by the BLM and the Forest
8 Service. And if you go to page 9 in there when you
9 have an opportunity, you will see that one of the 12
10 most visited locations, one of America's 12 great
11 escapes is the Imperial Sand Dunes. And in that, you
12 will note that they talk about this as a world-class
13 opportunity. It's a major asset. It's the single-
14 most visited OHV recreation area in California. It's
15 the most visited, but the least funded.

16 And let's put that into perspective.
17 Yellowstone and Yosemite, while not quite the same
18 kind of recreation opportunity, are funded at the
19 level of about \$3 to \$9 per visitor, while the
20 Imperial Sand Dunes is funded at less than 65 cents
21 per visitor.

22 The fee compliance is critical. We have
23 heard some discussion on that. We can't over-
24 emphasize the fact that that's very critical. BLM and
25 the sheriff's department have been working hard to get

1 a high level of compliance, and we certainly endorse
2 that.

3 Let's talk about how the Imperial Sand
4 Dunes affects the local community. And this isn't a
5 new picture. It's just bigger. There are more and
6 more visitors. The people that are playing out there
7 are younger. They have a different mentality than
8 some of us older folks. Their bywords are "more,"
9 "bigger," "better," "faster." And I think that was
10 evident in your trip out there.

11 Appreciation in real estate has provided
12 second mortgage money to buy those vehicles and do
13 other things in the recreation field. So that
14 continues to drive this. Of course, we all know that
15 this is a major asset to the local community.

16 Ken Rosevear was at your evening affair
17 last night from the chamber of commerce in Yuma. He
18 developed these numbers, and I have heard other
19 numbers quoted by Wally. And I think these fall in
20 track with those. I think these may not be exactly
21 the same, maybe somewhat outdated, but I think they
22 really tell the story and the numbers do speak for
23 themselves.

24 Let's talk about who the American Sand
25 Association is. We have been around for about six

1 years. Jerry Seavers was one of three cofounders. We
2 now have 24,000 members. That's more than the CDB.
3 We will have 50,000 by the end of this year. That's
4 our goal. And we are not having too much trouble
5 doing that. People seem to be stepping up. We have
6 nine board members. Five of those are in California
7 and four in Arizona, and I live at Phoenix, Arizona,
8 as Jerry does.

9 We have many areas of involvement.
10 Yesterday, those of you who were on the tour, I
11 purposely asked the duners to tell you what they did
12 because I wanted you to see that we are not marauding
13 demons. We are not part of the crested demon loft.
14 That's the 10 percent. And the environmentalists have
15 their 10 percent too, and I think the CBD probably
16 falls within that 10 percent.

17 But just to continue, we have extended --
18 and for Dr. Presch's role at Dumont Dunes, keep in
19 mind that this is the American Sand Association and
20 Jim Branham, one of your DAC members up there, is a
21 board member of the American Sand Association. And he
22 is on the ISDRA as well as the Dumont TRT. And he
23 represents your coupling to whatever it is that we can
24 do to help that environment along.

25 What are our objectives? Well, maintain

1 access to public land. And again, I will refer to the
2 bag. If you didn't have time to go through it, do
3 that because we call this bag a duner's survival kit
4 and it's used in many ways. And we will talk about
5 that. Besides these kinds of events, we package those
6 up. We had 100,000 of those printed. Since then,
7 another 50,000. And we hand those out at the dunes
8 at events. What do we put in them? Outreach
9 messages, how to be safe, and stewardship messages,
10 and it works very well. In fact, the yellow truck
11 that you saw also hands those out as he is out there.
12 So he is getting the word out.

13 We are very well-connected. We are very
14 well-connected with the land managers -- I have
15 mentioned that -- with the local community and the
16 politicians.

17 Talk about the checkered flag pledge
18 because that started in '99. And if you look at the
19 gray booklet, you will see that's about how far back
20 the history goes in the stewardship program. And that
21 really was the start of it all. It emphasizes
22 responsible duning, encourages duners that fly the
23 flag to obey the law, protect the environment, pack it
24 in and pack it out.

25 You can see here, that's a dune vehicle

1 with the flag on there. But that's not where it ends,
 2 because we have a major program with the land manager
 3 and the sheriff. One of the major committees that we
 4 have is public safety. And the mission of that public
 5 safety committee is to encourage everyone to take the
 6 message that education is equally as important as
 7 enforcement. And it's important for the law
 8 enforcement officers to be making some contacts that
 9 are friendly and saying "At-a-Boy, you did the right
 10 thing out here." It's not just a one-way street. So
 11 we encourage that and we support that.

12 And in fact, here is a picture of one of
 13 their work vehicles with a checkered flag. They fly
 14 them on there. And you saw yesterday they have them
 15 on many vehicles. The sheriff, he supports it. When
 16 Greg Thomsen was down here, he wrote us a letter
 17 endorsing the checkered flag pledge.

18 We printed 100,000 of these little books.
 19 They are in your bags. This is really partnership at
 20 work. We were in Phoenix, Arizona at the Sand Show
 21 and Neil Hamada talked to Jerry Seavers and I and said
 22 we need a "Tread Lightly" hook. And this is what grew
 23 out of this. And if you look inside of here, there
 24 are some things that are maybe a first. This book was
 25 paid for entirely by four sponsors: Alford Budweiser

1 here in El Centro. Kind of interesting. This is a
 2 local organization. Weekend Warrior Toy Box or Toy
 3 House Trailers. The Action Program -- some of you
 4 know what is that is. I will not get into detail, but
 5 it's an off-road access program. And then, of course,
 6 Roy Denner's outfit, the Off-Road Business Association
 7 was involved in it.

8 This is a public service announcement
 9 that's on the inside cover. This public service
 10 announcement came about by happenstance opportunity
 11 when I met Bill Woody, who is the director of law
 12 enforcement on a national level for BLM. Just
 13 happened onto him in the dunes. He was down there for
 14 a visit. And that turned into a "Gee whiz, what can
 15 we do about making sure people know that the rules
 16 that apply on highways to DUI apply off-highway?" So
 17 this is what came of it. And notice the partners on
 18 there. I know they are hard to read, but I will go
 19 down through them. The California Highway Patrol, the
 20 BLM, the local sheriff's department, the National
 21 Sheriff's Association, California State Parks, and
 22 Mothers Against Drunk Driving. So this is then --
 23 this runs in magazines and it's still running -- this
 24 was first printed about two years ago.

25 Well, ASA is very, very proud of the role

1 it played in facilitating the development of the
 2 United Desert Gateway, as Nicole told you, February of
 3 2004. It adds a whole new dimension and provides
 4 greater flexibility for the BLM and the land manager
 5 to do some things that otherwise they might be
 6 inhibited from doing, still within regs, still living
 7 within the appropriate regulations, but it provides
 8 that outside emphasis and a way to do some things.

9 This partnership -- and I want to recognize
 10 over here Paul Smith and Tony Danna. This partnership
 11 really grew out of a conference that occurred in Los
 12 Angeles in 2003. That conference was BLM, Forest
 13 Service, Park Service, Corps of Engineers. And Paul
 14 was the speaker at that event, and they had several
 15 speakers. I attended his presentation. And he was
 16 encouraging people and telling us how we could get
 17 partners involved in the business side of this thing.
 18 We came back, got with Linda Hansen, Steve's
 19 predecessor, Steve Razo and the local chamber leaders,
 20 and this is what grew from it. And we are pretty
 21 proud of that and we appreciate their support.

22 Well, the billboard program, you have
 23 already seen that, but I wanted to be sure that you
 24 recognized that this is the only one. This is about a
 25 \$50,000 program of those three-hundred-and-

1 some-odd-thousand dollars. About 50 came out of here.
 2 This happens to be a home builder that paid for this.
 3 That home builder has an interest in off-road racing.
 4 He paid for the billboard. Sand car manufacturers
 5 have paid for billboards. An auto glass company in
 6 Phoenix, Arizona. Why? Because he is a duner and he
 7 wanted to get a message out. And they all have
 8 different messages and generally speaking, they are
 9 conceived by the sponsor and approved by Steve Razo,
 10 but it ties the public and the businesses into the
 11 program.

12 Again, there is more information on that in
 13 your bag. Well, this is not new. You saw this on
 14 Nicole's, but I wanted to mention that this program
 15 goes beyond a logo on the side of a trailer. "Take
 16 Time Out for Safety" is really the message that's sent
 17 by the duner's survival kit. And inside there you
 18 will see there are a lot of fliers. The fliers cover
 19 rules, responsible tips, kid's tips, and all of those
 20 things find their way into there.

21 That's Bill Woody and Ray Larooof, the
 22 former chief ranger. They were down here because of
 23 this dedication that Nicole mentioned. I want to
 24 particularly call your attention to that car sitting
 25 there. That car was made available to BLM locally

1 through Washington level funds that were not a line
2 item for the LSDRA. How did that happen? Because we
3 made a contact at that level. Bill Woody said, "Hey,
4 I have a budget. These are some of the kind of things
5 I can do, and I think this is a good place to do it."

6 And we went to Weekend Warrior, and if you
7 look right underneath that, and it says "Trailer
8 donated." And they partnered up and they provided the
9 trailer for the car.

10 Well, we have another trailer. The
11 sheriff's department wanted a trailer for fee
12 collection. Weekend Warrior says I got one. We use
13 it at motocross. It has three windows in it for
14 selling tickets at motocross events, and it's
15 available. The sheriff's department went over and
16 looked at it. And we certainly hope we get something
17 worked out where that trailer gets put to work. If
18 not the sheriff's, we will get it to BLM or the United
19 Desert Gateway to be used in the fee collection
20 program.

21 Again, this is a place where business is
22 stepping up to help us all out. The trailers are
23 refreshed every two years, I will mention also. They
24 are not put on BLM's title, so to speak. They are
25 left with the owner, and they refresh them every two

1 years.

2 I wanted to call your attention. Last
3 night I had a banner up, and it was a banner like the
4 one you see up there on the litter free zone. But
5 over here on the wall is a better one, because it has
6 the logo of BLM and the sheriff's department on there.
7 You say, why didn't it have it in the beginning? It
8 didn't happen because we decided we were going to do
9 this, and it took a while to get approval to add those
10 logos because we work through the BLM to get that
11 done.

12 I call your attention again to some rather
13 large named sponsors on the back. The bag -- we
14 printed 66,000. It costs \$10,000, and we didn't put a
15 penny out. The money was all from Onan, a generator
16 manufacturer. I think there are some others on there,
17 the microwave manufacturer. Those are people that
18 provide components for Weekend Warrior's trailers.
19 Well, Weekend Warrior provided one of their staff to
20 make these contacts to get this done for us.

21 Now, flip that bag over. It was white.
22 Flip that bag over this year, and it's going to have
23 the safety bug and a safety message and we already
24 have four sponsors ready to step up. So we are pretty
25 proud of that.

1 I would like to just tell you a little bit
2 about some things ahead. We have two more slides, and
3 then I want you to ask you to endorse or consider
4 endorsing a recommendation I want to make.

5 First of all, ASA will cooperate with the
6 UDG, BLM, and the sheriff's department to develop an
7 increased public outreach, public safety program for
8 next year. We have had several fatalities down here.
9 We have had some accidents, and it didn't get to that
10 extent. But we need to get some awareness out there
11 of things that people can do to be more responsible,
12 and we need to identify what is causing that and how
13 to get to the root of it.

14 So some of the ways that we think we can do
15 this is get out an awareness program, increase rule
16 and law awareness and consistent enforcement. And I
17 will talk about that more in a moment.

18 And how do we want to implement this?
19 Well, we have spoken with Steve Borchard and Bob
20 Ratcliffe out of Washington, the BLM National
21 Recreation lead person. And we think that it would be
22 helpful -- and they as well agree -- that as we bring
23 in this coalition of law enforcement officers that
24 have all kinds of background and experience but not a
25 whole lot of experience in sand dunes -- some of them

1 have been here year after year, but there is a need
2 for them to understand that when a youngster is coming
3 in and he is on his bike and he has the whip in the
4 hand that he broke off because he tipped over, that
5 you don't give him a ticket. You say, "Go get it
6 done. Get a whip."

7 And those are some of the kinds of things
8 we need to deal with in a video for these people
9 coming in that are working here. We also, BLM has
10 said to us, hey, we have gotten things kind of shaped
11 up. You heard Sheriff Carter tell you that we have
12 this shaped up. Some of the renegades are being taken
13 care of. What are you doing to police your own lot?
14 The second video. And we will have that out. We will
15 have 50,000 copies. We are on our way to get sponsors
16 for that. We'll hand them out at the Sand Show and
17 wherever else we can reach the duning community to say
18 these are the things you need to do to be safe. These
19 are the things you need to do. These are the
20 important rules that you need to follow.

21 I have mentioned the fact we are going to
22 put something on the back of a litter bag. The
23 celebrity thing: Clint Eastwood, "Take Pride in
24 America," you have probably seen that. Well, NASCAR,
25 Greg Biffle, Robby Gordon are duners. And yet this

1 month, Steve Razo will be joining Wally Cahill, Motor Sports Mania, and we are on the way to put together some celebrity public service announcements that say, "I drive my car pretty fast down there on the NASCAR track, but when I come out and ride my buggy at the dunes, I look at the next hill like there might be nothing on the other side. Take a look at what you need to do to be safe." So that's another piece of the puzzle. There needs to be some improved permittee compliance and continued emphasis in law enforcement.

11 Let's get down to what we would like to ask you to do. We would like you to consider these recommendations: Increased compliance is important to us; consistent rules.

15 We would like the DAC to consider the following: Encourage the Imperial County and BLM to maintain a high level of law enforcement at the Imperial Sand Dunes. To develop some consistency between, let's say, Dumont and Imperial Sand Dunes where we have people that dune at both places. And up there, the rules on gray water are different. These are environmental issues. These are not just law enforcement issues. Metal and fire wood. Down here we can bring pallets in and burn pallets and leave nails behind. That sounds like an environmental

1 thing. It's certainly bad for me. I don't want a nail in my \$300 tire. So we need some consistencies amongst field offices in rules. And then we need some consistency in enforcement. And we would encourage warning citations.

6 In fact, this meeting has been extremely beneficial in many ways to us. For example, Ted Jones is one of the rangers who was with us on the tour. He said, "Can I have a package of checkered flags?" We gave him 100. We gave him a pledge on a little 3-by-5 piece. And he said, "I want to hand those out in some friendly context as opposed to just simply working with the enforcement side of it." He wants to work on the education side of it, as well.

15 Let me mention a few other things that have come to mind as I have been listening this morning that we didn't include in any slides. Two observations. Tom, this fits to your question of the code.

20 We want to challenge the environmental community. ASA is noted for being a partnership organization. We want to partner up. We want to partner up. We want to get good data together. We are gathering environmental data and they are gathering environmental data. Why can't we do this

1 together? It's all good, real scientific data.
2 Neither one of us should be trying to bias it. That
3 would be one-sided.

4 The other side, an idea that came to mind
5 here as we were talking about the fees and permit
6 collection. We would like to encourage -- ASA would
7 like to encourage Imperial County and BLM to rethink
8 the fee collection by Imperial County. We heard the
9 sheriff say that they want to change the situation.
10 We want them to rethink that. We want them to
11 consider involving the United Desert Gateway in that
12 process. And we would think that maybe it might be
13 good for the county as a whole to keep that money down
14 here.

15 If we contract this out like it was in the
16 past to Central Parking, that money leaves the county.
17 So we need to be sure to keep it down here. We also
18 think it's win-win for us, because if the UDG is
19 involved in this process in some way, maybe there is a
20 way they could be a party to this collection process.
21 That would be some revenue. Where would that revenue
22 go? Under the United Desert Gateway mission -- and
23 you heard what Nicole told you about that mission -- I
24 think it's a rather good mission, and it would be
25 worthwhile for all of us.

1 That's all I have. Ready to answer any
2 questions, and thank you.

3 CHAIRMAN KEMPER: Do we have any
4 questions of Tom?

5 MEMBER SMITH: This is a great
6 presentation, and it caused me to think. You are
7 going beyond just public safety. You are also doing a
8 different type of outreach, and I don't know to what
9 extent you get into cultural outreach. Have you done
10 any partnering with Native American groups with
11 history associations?

12 MR. MASON: We have not. I will say
13 this, that as a part of our original meetings on the
14 United Desert Gateway, there is an organization here
15 in El Centro, historical society, very interested in
16 the plant growth. And I believe we are able to put
17 them in contact with the BLM folks and some of that.
18 But no, to answer your question, we are pretty new in
19 this business. Safety was our start. Trash was the
20 next step. And no, we haven't done that. But we look
21 forward to that. We have a limitation. We are
22 volunteers. And there is only so many hours in the
23 day.

24 MEMBER CHARLTON: I have a few comments
25 to make. First of all, I would like to address your

1 question, because I'm probably the only person here
2 who represents an organization that needs to partner
3 with you on environmental issues. I have been doing a
4 lot of research on ecosystem management. I am not a
5 conservation biologist. I'm more of an ecologist and
6 a botanist. And ecosystem management is a very
7 difficult thing to understand.

8 We are trying to deal with it in the desert
9 with these regional plans we are working on, and the
10 first step is the nation's consciousness. That
11 determines the direction in which we are going. And
12 as you all know, as the population increases, the
13 environment goes downhill. Now, what kind of a
14 management philosophy do we have on population
15 management? We don't have one. It's chaos. We have
16 a third-world growth rate due to illegal immigration,
17 and it's causing a series of problems that we are not
18 dealing with. It's literally chaos.

19 And it's a similar situation that's
20 happening in the dunes right now. It's so popular
21 that there is some serious problems. And the
22 responsible people, all the people that are here are
23 not causing the problems. They are trying to solve
24 the problems.

25 Examples of problems that come up. I was

1 doing a desert tortoise survey in the Joshua Tree
2 area, and it's a very large area. There was no recent
3 evidence of desert tortoise very close to the
4 preserve. I started talking with local people, and
5 they said, "I will tell you what happened. The local
6 motorcyclists used it for a speed bump. They ran over
7 it repeatedly until it was dead."

8 Now, these people are living very close to
9 the park. I sort of think they are taking advantage
10 of the wonderful aspects of having a park there and
11 yet they have that kind of mentality. In my town, I
12 was talking to an alfalfa farmer recently, and he said
13 he moved a desert tortoise off the road. He said it
14 was full of .22 shells that hadn't penetrated the
15 shell yet. That was the only evidence of desert
16 tortoise in our area here.

17 So the environmental people have got the
18 same problems that you have. A lot of us are
19 volunteers. We are all working on our little part.
20 There are a few responsible people that can get
21 involved in this thing. So we are not coordinated
22 either.

23 Two years ago I went to the Southwest
24 Botanical Conference. There were three talks on the
25 Peirson's milkvetch, including the -- one. And I saw

1 a lot of animosity towards him by the environmental
2 people there. It wasn't warranted. I see some
3 hypersensitivity with some members of the group that
4 are causing problems. Recently, some knowledge came
5 out about carcinogenic chemicals in the water. And
6 one of these people doesn't want his daughter to take
7 baths because of too much contact with water. I think
8 that's overdoing it.

9 We need to get organized in the
10 environmental community before we get under --
11 organized with you on all the issues that are going on
12 and sharing the information. It's organizations like
13 this that help bring people together and feel like we
14 do have teamwork. I know that -- I met a lot of the
15 defenders in Southwest this year. I got to understand
16 them a little bit. And one of the problems is that
17 the federal government has to come to solutions and
18 compromises in its management plan. And these people
19 feel that science can't be compromised. And they feel
20 that through lawsuits, if they are in the right, then
21 that will end up showing -- rationalizing what they
22 are doing.

23 So probably the inherent problem is that
24 compromises have to be made, plus there is changes
25 over time. That's one of the things that's going on.

1 The latest example is the federal
2 government is trying to do away with critical habitat
3 as being important, and that's going to further erode
4 science if that occurs.

5 As far as what's going on in the dunes, I
6 think the areas that are closed off should be
7 supported by biology. If biology says they should be
8 smaller, if there are any populations there, that
9 shouldn't be. Unfortunately, the locations of where
10 the plants are is extremely inconvenient for egress
11 onto the site, but that's what the biology says.

12 It's an awful big area that has been closed
13 off. I was kind of shocked when I saw how big of an
14 area it is, and I understand the problem.

15 MR. MASON: Well, thank you. I'm not
16 sure what the question was, but I will respond by
17 simply saying that we have heard all that before. And
18 we are ready to partner up. Any other questions?

19 CHAIRMAN KEMPER: Mr. Denner.

20 MEMBER DENNER: I would like to make a
21 motion that the chairman write a letter to the Desert
22 District Manager recommending that the BLM continue to
23 partner and work with the United Desert Gateway and
24 the ASA on these programs. I think it's obviously
25 having a positive effect on what is going on in the

1 Imperial Sand Dunes, and hopefully, it will spread to
2 other areas within the California Desert District as
3 well, so I think we should formally support what these
4 guys are doing.

5 CHAIRMAN KEMPER: I have a motion; do I
6 have a second?

7 MEMBER BETTERLEY: I second that motion,
8 but I would like to talk to that.

9 CHAIRMAN KEMPER: I have a second, and I
10 will open it up for the second. Bill Betterley.

11 MEMBER BETTERLEY: I want to compliment
12 the gentleman on his presentation. I think it could
13 open some of the eyes of the public that have been
14 closed for a long time. And I felt for a long time
15 that part of the Bureau's philosophy is closing areas
16 as the solution to the problem. And that doesn't
17 work.

18 With the population increase the way it is
19 and the way it's supposed to be by 2020, this is going
20 to get worse. And the partnering up that he suggests
21 I think is the finest thing we can do. And I do
22 believe that by continuing the way Steve has handled
23 these partnerships, we will be able to get a solution
24 and stop the courts from thinking one side all the
25 time. And that's all I have.

1 CHAIRMAN KEMPER: Tom.

2 MR. ACUNA: With regard to the
3 recommendations, there were two other points that were
4 made. One was the spirit of the law and the other was
5 consistent rules, such as metal in the wood. I would
6 ask Mr. Borchard, is that something that the BLM could
7 explore, the spirit of the law, or is that already
8 being done?

9 DIRECTOR BORCHARD: Certainly our law
10 enforcement staff has discretion as to whether to warn
11 or issue a citation. And it's within their current
12 flexibility to select and choose which way they want
13 to go.

14 As far as us, management, or providing
15 guidance, to my knowledge that has not occurred yet.
16 So it's been left up to the individual enforcement
17 officer. My feeling is the orientation for visiting
18 officers should address this issue and provide some
19 guidelines as to when a warning is appropriate and
20 compare that to situations wherein issuing a citation
21 is appropriate. So we are going to consider that when
22 we develop the story line for the orientation video
23 that's being prepared.

24 CHAIRMAN KEMPER: Tom.

25 MEMBER SCOTT: I want to try to say this

1 as tactfully as possible because I think the
2 partnership is extremely important. But the motion
3 that was just introduced was that there was a
4 partnering taking place and there wasn't any sort of
5 bounds on the partnering. So to keep this from being
6 inflammatory to other parties who might still not be
7 partnering with ASA and the other groups, I think we
8 have to say exactly what that partnering would be.

9 And I think the two items we have here, the
10 safety items in the outreach program, if we could
11 contain that so it doesn't sound as though we are
12 dealing -- the BLM to partner with the ASA carte
13 blanche. I think that's really important at this
14 time.

15 MR. MASON: May I comment?

16 CHAIRMAN KEMPER: You may, but please
17 come forward and use the microphone.

18 MR. MASON: I simply want to reinforce
19 what Tom is saying. Our intent here was only to make
20 that the level of the partnership. And if that
21 requires a change in the motion, that's whatever you
22 feel is important.

23 MEMBER DENNER: I believe that I phrased
24 my motion to say that we want to support the BLM's
25 partnershiping with the United Desert Gateway on the

1 basis of what they are doing so far and with the ASA
2 on their ISDRA safety program, which is what they are
3 asking for.

4 MEMBER SCOTT: Perfect.

5 CHAIRMAN KEMPER: Just so I'm clear, I
6 will ask the maker of the motion, you are looking for
7 support for the UDG and the ISDRA safety program?

8 MEMBER DENNER: We ought to be able to
9 fold them into one, if everybody agrees.

10 CHAIRMAN KEMPER: Any more discussion?
11 All in favor signify by saying aye. Any opposed? Any
12 abstentions? Motion carries unanimously.

13 We have one other action item. Tony, would
14 you come forward? This was in regards to trying to
15 get at least two people, as Tony suggested, as
16 possible members that are currently on the DAC for the
17 RAC regarding recreation. What is the Council's
18 pleasure? Do you want to act on that now, or do you
19 want to hash it out and go to lunch and then come back
20 and deal with it after lunch?

21 MEMBER THOMAS DAVIS: How much more
22 business do we have to do after lunch besides this
23 item, other than the round table? Does it make any
24 sense to go ahead and tackle this thing now and move
25 on and take a later lunch break, if necessary?

1 CHAIRMAN KEMPER: I don't know who all
2 would have an interest in participating, so I thought
3 maybe the lunch hour would give people time to discuss
4 who wanted to participate and who didn't.

5 MEMBER LEIMGRUBER: Just a suggestion.
6 If we want to finish up, for those of us who have
7 traveled far, we could perhaps finish up and conclude
8 our day's business if that's the direction of the rest
9 of the Council.

10 CHAIRMAN KEMPER: I'm agreeable to that
11 if everybody else is. How is our court reporter
12 doing? If you want to go ahead, and let's tackle it.

13 MEMBER LEIMGRUBER: Mr. Chairman, is
14 there a show of hands of those who are interested and
15 we can go from there.

16 CHAIRMAN KEMPER: If we could go on the
17 record with who would have an interest in
18 participating in that recreational RAC. Anybody on my
19 left? Anybody on my right?

20 MEMBER SCHILLER: What was the question?

21 CHAIRMAN KEMPER: Who would be
22 interested in participating on the Recreation RAC?

23 MEMBER DENNER: It would be logical for
24 me to participate, since I have been -- I testified in
25 Washington, D.C. at a Resources hearing on that

1 subject. However, we decided that people who are
2 leaving the RAC are not logical candidates. And I'm
3 finished either this year or the next year. So
4 probably it would not be appropriate, though the
5 interest is there.

6 MEMBER BETTERLEY: You don't have much
7 to do after you go off the DAC. I would think that
8 would be a great thing.

9 MEMBER LEIMGRUBER: For further
10 clarification, obviously as we sit on different
11 commissions, I don't know if it's a requirement that
12 you are a DAC member.

13 MR. DANNA: No, it's not. That was just
14 my suggestion to try to keep representation of the DAC
15 on that level. Roy Denner's nomination as part of
16 this group or as not part of that is endorsed. I
17 think that would be a great opportunity.

18 MEMBER LEIMGRUBER: I concur, and I
19 would like to make a recommendation that Roy Denner be
20 placed on this new -- I would like to even see the
21 acronym changed but -- REC-RAC, but as that has been
22 made known to us, that at least Roy be given the
23 opportunity and perhaps this District Advisory Council
24 can write a letter in support of Roy Denner for this
25 new Council.

1 CHAIRMAN KEMPER: I have a motion. Do I
2 have a second?

3 MEMBER THOMAS DAVIS: I will second
4 that. I would like to make a comment regarding the
5 motion in that it's probably functionally impossible
6 to get two representatives from each of the District
7 Councils represented in a situation. But I think it's
8 still very important. The main thing in life in
9 general is we don't need more committees, and we don't
10 need additional, I guess, policy advisors as much as
11 we need people to implement the policies. And so I'm
12 just stating for the record that it would be important
13 that each District Council be represented in some
14 fashion.

15 MEMBER BETTERLEY: Mr. Chairman, I
16 believe the law also reads that the governor and the
17 counties can make recommendations, too, if I'm not
18 mistaken.

19 MR. DANNA: That's correct.

20 MEMBER BETTERLEY: And maybe we could
21 convince the County of Imperial to go along with the
22 recommendation of this DAC so that we would have a
23 double emphasis on the person or persons that we do
24 recommend.

25 MEMBER LEIMGRUBER: I totally agree.

1 MR. DANNA: My reason for recommending
2 somebody -- or maybe two people from each one of the
3 Advisory Councils in the State of California for the
4 BLM was so that subcommittee tie is much stronger,
5 that you would be dealing more with a desert BLM sort
6 of recommendation that then would go to this larger
7 group, and that person would carry that message.
8 Someone else that's in the community that's heavily
9 involved definitely could carry that message and
10 possibly be part of the subcommittee.

11 CHAIRMAN KEMPER: Ron Schiller.

12 MEMBER SCHILLER: Actually, kind of
13 going along with what Tom just mentioned, I have a
14 copy of the act here that I downloaded the other day
15 off the Internet. And under Recreation Resource
16 Advisory Committee, Section B, it says, "Number of
17 Committees: The Secretary may have as many additional
18 Recreation Resource Advisory Committees in a state or
19 region as the Secretary considers necessary for the
20 effective operation of this act," which would mean a
21 state could have any number that it feels necessary.

22 CHAIRMAN KEMPER: My understanding is
23 this is a state-wide committee, what all the
24 subcommittees would report to; is that correct?

25 MR. DANNA: Yes, as I understand it --

1 and it hasn't been finalized -- that the
2 recommendation to the Secretary of Interior and
3 Agriculture will be one for California that represents
4 the entire state by having subgroups that are
5 represented on the BLM.

6 CHAIRMAN KEMPER: I have a motion and a
7 second. Do I have any other discussion? Hearing
8 none, I will call for the question. All in favor,
9 signify by saying aye. Any opposed? Any abstentions?
10 Motion carries unanimously. The suggestion has been
11 that we have two nominees. Does anybody else have an
12 interest?

13 MEMBER BETTERLEY: I'm not sure that you
14 has an interest, but I would sure like to place your
15 name on that. You have nothing else to do.

16 CHAIRMAN KEMPER: I'm not sure I
17 qualify, though I would consider it. But I thought
18 Ron Schiller would be better. He represents a lot of
19 the nonmotorized or semi-motorized recreation.

20 MEMBER SCHILLER: I am on a lot of TRT's
21 right now. But I see this as important and I see it
22 as a need. As I read the logs recently or just now, I
23 see that a lot of the nonmotorized representation is
24 actually not here in the recommended members. So I
25 think probably I would like to consider being

1 considered for that.

2 CHAIRMAN KEMPER: I would like to make a
3 motion that Ron Schiller be the second.

4 MEMBER BETTERLEY: I will second it.

5 CHAIRMAN KEMPER: Seconded. Any
6 discussion? Hearing none, I will call for the
7 question. All in favor signify by saying aye. Any
8 opposed? Any abstentions? Motion carries
9 unanimously.

10 MR. DANNA: Thank you, Mr. Chairman.

11 CHAIRMAN KEMPER: Thank you. We will
12 open up for the round table discussion. And I think
13 probably the one we talked about is our next meeting.
14 I believe we have already decided it's going to be
15 Palm Springs. We set a date.

16 UNIDENTIFIED SPEAKER: Ridgecrest.

17 MEMBER SCHILLER: I think we had a
18 motion at Baker, actually, to have the last meeting in
19 El Centro and the following meeting in Ridgecrest.
20 And at least I reiterated that at Borrego.

21 CHAIRMAN KEMPER: Was that everybody's
22 recollection? There was some discussion about putting
23 together a presentation regarding the sale of BLM
24 lands to generate funds and maybe some legislative
25 changes as well, and I thought that was scheduled for

1 Palm Springs.

2 DIRECTOR BORCHARD: That was a logical
3 place where a discussion like that would take place.

4 CHAIRMAN KEMPER: Which one do we want
5 to tackle first?

6 MEMBER SCHILLER: That same issue is
7 being proposed in Ridgecrest by Kern County and the
8 City of Ridgecrest. Because of the BRAC, Base
9 Realignment and Closure Act, they expect a large
10 influx of new personnel. And it has already been
11 discussed briefly at several of our local BLM steering
12 committee meetings. So it's a valid issue for that
13 area as well. And the county and city both have made
14 the formal request of the BLM.

15 MEMBER THOMAS DAVIS: Geographically and
16 climatology-wise -- did I say that correctly? -- it
17 would be more appropriate for Ridgecrest this next
18 meeting and the following one Palm Springs.

19 CHAIRMAN KEMPER: I have a motion that
20 the next meeting will be in Ridgecrest.

21 MEMBER LEIMGRUBER: Second.

22 CHAIRMAN KEMPER: Any discussion?

23 MEMBER SCOTT: We have had a couple of
24 people make a point at this meeting and Jerry Hillier
25 made a point at the meeting before last, the concept

1 of discussing how we gather information and how do we
2 keep monitoring on the agenda. So -- but we don't
3 have to discuss it at this next meeting. But at this
4 next meeting or the one after that of how do we
5 maintain monitoring and how do we get results back for
6 people for some of these projects that they were
7 complaining were dropping.

8 CHAIRMAN KEMPER: I think that's a
9 really good point. And I think that should go on the
10 agenda because I think it's part of the reason they
11 want to sell excess land, to fund projects and fund
12 monitoring.

13 MEMBER BETTERLEY: At our last meeting
14 at Borrego Springs, the minutes show that on page 203
15 to -- I think it's page 212 or something like that,
16 was all on monitoring. And I think that should be an
17 agenda item the next time.

18 CHAIRMAN KEMPER: Okay. Mr. Razo?

19 MR. RAZO: Okay.

20 CHAIRMAN KEMPER: Very good. Any more
21 discussion? Seeing none, I will call for the
22 question. All in favor signify by aye. Any opposed?
23 Any abstentions? Motion carries unanimously.

24 Can we pick a date at this time? Any
25 suggestions? I don't have a calendar. Mr. Razo, do

1 you have a calendar with you?
 2 MR. RAZO: I do.
 3 MEMBER PRESCH: June.
 4 MEMBER LEIMGRUBER: Preferably after the
 5 elections.
 6 CHAIRMAN KEMPER: Any preference for the
 7 first part of June, later part of June?
 8 MEMBER SMITH: Later part of June is a
 9 preference here.
 10 CHAIRMAN KEMPER: How about down here?
 11 MEMBER LEIMGRUBER: Mr. Chair, June 23rd
 12 would be more suitable for those of us in public
 13 office.
 14 CHAIRMAN KEMPER: Why is that?
 15 MEMBER LEIMGRUBER: Because we have
 16 election June 6.
 17 CHAIRMAN KEMPER: Okay. How about June
 18 30th and July 1st?
 19 MEMBER LEIMGRUBER: That would be fine
 20 as well.
 21 MR. DANNA: That's the Fourth of July
 22 weekend.
 23 CHAIRMAN KEMPER: June 23 and 24. How
 24 is that for everybody?
 25 MEMBER SMITH: Looking good.

1 MEMBER THOMAS DAVIS: I can't make it.
 2 CHAIRMAN KEMPER: June 23 works for
 3 everybody. I will make a motion that the next meeting
 4 be held June 23 and 24 and the location has already
 5 been recommended as Ridgcrest. Do I have a second?
 6 MEMBER PRESCH: Second.
 7 CHAIRMAN KEMPER: Any questions?
 8 Hearing none, I will call for the question. All in
 9 favor, signify by saying aye. Any opposed? Any
 10 abstentions? Motion carries unanimously.
 11 We still need our TRT updates. Do you guys
 12 want to break for lunch or work through?
 13 MEMBER THOMAS DAVIS: I would prefer to
 14 work through.
 15 MEMBER ACUNA: Likewise.
 16 CHAIRMAN KEMPER: You want to update us
 17 on your TRT?
 18 MEMBER SMITH: I have already done so.
 19 Nothing further to add on Surprise Canyon.
 20 CHAIRMAN KEMPER: Anybody else?
 21 MEMBER THOMAS DAVIS: I have a real
 22 brief update. We did form a TRT in the Palm Springs-
 23 Coachella Valley area regarding certain work, and we
 24 haven't convened. We are looking for impetus from the
 25 field manager, but I was appointed chairman, so it

1 squarely rests on my shoulders, and I will have a
 2 report next time.
 3 CHAIRMAN KEMPER: Very good.
 4 MEMBER DENNER: I did the ISDRA TRT
 5 already.
 6 CHAIRMAN KEMPER: Okay. Any type of
 7 comment at this time? Public comment? Anybody in the
 8 audience that has anything they want to bring to our
 9 attention? Please come forward. Mr. Arrow-Weed, good
 10 to see you.
 11 MR. ARROW-WEED: Thank you. I see you
 12 got a new man. How long is he going to last? Good
 13 luck.
 14 DIRECTOR BORCHARD: Thank you.
 15 MEMBER ARROW-WEED: -- maybe the other
 16 side would be too much. Is it working?
 17 MR. RAZO: Yes, you are on.
 18 MEMBER ARROW-WEED: I was very
 19 interested to hear that -- sometime ago I talked about
 20 the lizard and how important he was. And now he is
 21 warning people. But I forgot to mention at the time
 22 that in the story of the creation, the lizard was the
 23 one that lit the four corners of the fire when our
 24 creator wanted to leave this world information. He
 25 lit the four fires, and we cremated the body and it

1 left. That was his job.
 2 To me, that's why the lizard is very
 3 important to me because of that little job he did.
 4 Now he is warning people not to do certain things.
 5 And you guys have given him an important job too. But
 6 remember, he deals in death. And I keep saying how
 7 many people have to die at the sand dunes before you
 8 realize it's dangerous?
 9 I was out there yesterday. To me,
 10 personally it was a game of chicken. I wasn't afraid.
 11 I have been known to do some things in my youth, made
 12 money at it, and I don't back out. That was really
 13 something for me to be alive after the crazy things I
 14 have done, but I made money for doing it.
 15 But yesterday when I was out there and even
 16 though I wasn't afraid, I felt, what if I didn't make
 17 it back today? It could happen, and it didn't happen,
 18 you know. And I laughed when I came back. Who is
 19 lucky, me or him that I came back? And sitting there
 20 riding through there, I saw kids bouncing around. And
 21 I thought how daring. They are very daring. What is
 22 it about it?
 23 And I myself, like my grandson, I raised
 24 him. And at a certain age I said you are old enough
 25 to make the decision, what you want to do. But when

1 you are under age, when you are not old enough, I will
2 tell you what is safe and what is not safe. And I
3 know what is and what isn't.

4 Chance, I would rather not take a chance
5 with my grandson. But now he -- he lit up his first
6 cigarette in front of me. What could I do? He is 18.
7 But when he is under age, no. I say no. That is my
8 philosophy. That is the tribal way. When they are
9 old enough, yes. But when they are young, we want
10 them to be safe. As safe as possible.

11 You can train them but you don't expose
12 them to it. You can warn them, teach them, but you
13 don't actually do it. But that's growing up. You
14 teach them safety until they get old enough to do what
15 it is they want and make their own decision. But I
16 will not say that is safe when I know it's not, just
17 simply because I enjoy it.

18 And so that's what I saw, and at the end of
19 that, I came back and it was okay. To me it was. I
20 wasn't afraid. But it was quite an experience doing
21 that. But I also rode through that sand thinking,
22 what was it I crushed at the time I was going through
23 there? How many little creatures did I crush? I felt
24 that again when I came up here that I was alone again.

25 But there are some people here who cited

1 what I said and are on my side. But it's kind of
2 hard. I think we spent the whole day talking about
3 American standards and what they are doing. We spent
4 the whole day. It happened when we got there and when
5 we were eating and when we left. And not once did I
6 hear anybody say anything the opposite. No one said
7 yes, but. Everybody was in total agreement. I
8 couldn't understand that. No one disagreed.

9 The reason I didn't disagree openly was too
10 many of them. I'm no fool. So I didn't disagree
11 openly. But I have been known to disagree when I sat
12 here. All of you remember me. I disagreed and I
13 spoke for the Native American all the time. I don't
14 know if you have any Native Americans anymore on your
15 board, but I recommended Native Americans, and I don't
16 know what happened. But I also heard bringing up the
17 Native American input, which they never really had.
18 And I said before, after so many times they kind of
19 give up. This seems like they give up. No one said
20 anything about it.

21 I would also -- I have also said that I
22 have heard Yuma getting involved in here. Well, we
23 don't get involved in Yuma's affairs. They are
24 Arizonians. We have no business there as a
25 Californian. I can go enjoy what they want, but I

1 have no business telling them what to do with their
2 town, no more than they have coming to California
3 telling us what they want to do. I know why they do
4 it, because all the duners go over there. That's
5 where they like to go.

6 Casinos, they come to our casinos. At
7 least we get something somewhere. But they do come do
8 our casinos, cheap breakfast, 99 cents. So they all
9 come down. But I don't know where they go to in
10 Imperial except going in and out, gas is cheaper in
11 Arizona too.

12 Then I heard the man say he had a passion
13 for access to public lands. And I see public land. I
14 would like to kick up the dust, but it's something
15 that's being protected and I have no desire to go do
16 that if that's protected. I respect that protection.
17 I heard law enforcement here, and all they want to do
18 is protect. They already know -- I think a lot of you
19 saw me wearing a uniform because that's my job too.
20 And I come in contact with a lot of the public and
21 know what the public can be. They can be very violent
22 and ugly. And that's what I deal with in the housing
23 areas over there. That's why I carry a weapon.

24 I don't like to see that, but it happens
25 and that could happen anywhere whenever they start

1 drinking, whenever they start smoking pot, whenever
2 they start taking drugs, it's going to happen. And it
3 happens anywhere people congregate.

4 And I heard the term the spirit of the law.
5 The spirit of the law, the unwritten law, unwritten
6 law I call it. But the spirit of the law -- I looked
7 at the horse that was used for transportation and made
8 money out of it. Then they rode it for part of doing
9 some things with it. And then you get the automobile
10 used for transportation. Now they used some way to
11 use it for recreation. And they can't do it on a
12 highway, so they got up another place, which is
13 dangerous no matter how you look at it. You have the
14 crash bars, but still people have died out there and
15 what happens to those that die? Is this a casualty
16 that's forgotten?

17 I feel for those people who died. Maybe I
18 ought to put up something, a monument for all those
19 who have died and put all their names there of the
20 people who died for the cause of getting that desert.
21 Maybe you ought to honor them. Maybe you should honor
22 those people who died for the cause that American Sand
23 Association is after to get it all. Maybe you should
24 honor those people. I think they should honor those
25 who died for their cause. I'm not joking about it.

1 It's serious.

2 It's sad that some poor child had to do
3 that, die, to do what you are doing. I wish I could
4 do a ceremony for them. But they are not tribal
5 members. If they were, if any one of my people died
6 out there, I would do a ceremony for them because life
7 is not something you just forget, just like that. You
8 remember it.

9 Had I died yesterday by accident out there,
10 you wouldn't have never heard the last of it, but they
11 would have had a ceremony out there and made it very
12 important place because I died out there. And many
13 people did die out there long ago before your
14 ancestors came. There were many people that died in
15 that area, so it's very important to us. There have
16 been cremations all over the place. Problem is the
17 wind carried it away since then.

18 I keep hearing about money. I also -- I
19 heard about the sheriff's department. You gave them a
20 trailer and it's all forgotten. You give everything
21 they need. When I went to academy to be a security
22 officer and dealing with law enforcement, they called
23 it gratuity. You never take gratuity. You go on the
24 job and somebody offers you coffee. No. You should
25 tell your boys at BLM, at law enforcement, they never

1 take gratuity. They offer you coffee. No, I don't
2 want your coffee. Here is a sandwich. No, thank you.
3 That's what we were told. And that's what I tell my
4 officers. Don't ever take gratuity. They offer you
5 coffee, don't take it. You bring your own.

6 Nobody is going to own you. Nobody is
7 going to tell you what to do. That was very
8 embarrassing to hear that, that you can't stand on
9 your own to protect what is right. The law says you
10 do this thing. That is not in the spirit of the law
11 or that is not the written law, that you take these
12 things. That you be totally honest when you deal with
13 the law.

14 That's -- I already knew that before I got
15 there. I went to the academy. I knew that, and it
16 fit right in. Of course, in my younger days I didn't
17 do it either a lot of times, like everyone else. But
18 I heard it since then.

19 I want to say also that the most used, the
20 most famous is that sand dunes there. It is. There
21 was a man from Arizona saying how much he loved it.
22 And I thought, why don't you go back to Arizona and
23 use your sand dunes? The reason he can't is because
24 Arizona protects their land. They don't let it happen
25 over there. If they did that, they would be run out

1 of there.

2 I wish American Sand would go over there
3 and try it. This place is the easiest place to take,
4 and they have taken it because we let it. We never
5 questioned. It's easy, but you can't do it other
6 places. They have made it the easiest place, the
7 weakest link in this country, and they attack that.
8 And the protectors let it and nothing happens.

9 And I told the Bureau of Land Management,
10 you are the stewards of the land. You are not real
11 estate operators. The country is being sold away all
12 the time when they took to protect and take care of
13 it. And I think that they are -- the government is
14 doing things because we don't stop them.

15 Money -- you talk about all the money. The
16 sheriff's department most of the time doesn't have
17 money. BLM needs money to operate too. Whenever
18 everybody is having a great time, you have to bring
19 all the law enforcement in the county to do that. And
20 I'm on the reservation with some violence, and I call
21 for backup and they say, no, no, we are all over here.
22 We can't come down. So it slows it up when it's our
23 problem there.

24 And I'm sure other counties have the same
25 problem. There is a shortage of law enforcement. But

1 we will go all out so everyone can have a great time.
2 I am proud of this area. This is where I come from.
3 We should take care of it and not take -- someone else
4 comes along with priority because they have more
5 money? I don't know what it is they got. I saw him
6 sitting there. He didn't look like much of anything
7 but a little man. He eats, he sleeps, he is human as
8 the rest of you. He is not supernatural. He is
9 nothing to be afraid of. Stand up and tell him.

10 And the ecosystem. That's very true. You
11 talked about the birds. The last time I told you it
12 was because this certain area is not used to having
13 200,000 people all at once. And they leave, and the
14 terns are leaving us because man started that. So now
15 they are messing up everything. They come and eat
16 everything they can. But man started that. You are
17 responsible for it. And I knew that if you get too
18 many people all at once, you are going to have a
19 problem.

20 And I don't think that we can do nothing
21 more than try to prevent. You are overdoing it. The
22 law enforcement, the law enforcement can't take care
23 of it. I think there is many things in there that I
24 have friends in law enforcement that tell me that
25 happened there that does not appear in the news. And

1 does not -- nobody really knows about it, but there
2 are a lot of things that happened there not reported.

3 They are so close to the border you can
4 ride right over there on the other side. You can ride
5 over there. And don't tell me that they don't smuggle
6 drugs through there. We talk about protecting our
7 home land, and yet it's wide open all the way over
8 there, and they have been doing it for years. That's
9 how you can really get over there. You can go right
10 up to that. I don't know if anybody has ever looked
11 at that. There are so many crooked law enforcement,
12 too, now that it could be done very easy. So when
13 this is done, you are also leaving that wide open for
14 200,000 people to come here and with all that mix-up,
15 they can do anything they want.

16 You are jeopardizing the country that you
17 have sworn you want to protect. You are jeopardizing
18 it by doing that. If we can get it through your
19 minds, you are jeopardizing this country too and the
20 people of California and my people, where I come from.
21 My people.

22 And I don't care how great a picture they
23 paint, there is always something like that going on.
24 And I hope to see more Native Americans involved in
25 this because the same way I speak to you is the same

1 way I speak to my people when I see them do something
2 wrong. I do the same thing. You are not the only one
3 that hears this from me. My people hear that when
4 they do wrong.

5 But I wish you would get them together, all
6 of you get together with them and the tribes up and
7 down the river, the Mojave, the Kokopau and the Baja.
8 But this is our land. It was our land. It was our
9 land.

10 One part I would like to say before I
11 leave, I want to say that when I was out there, I
12 heard all the plans, all the talking. It was like
13 people talking in my ancestors' backyard what they
14 want to do with their yard. That's what I felt like.
15 It wasn't good. What they were doing to my ancestors'
16 backyard that should have been taken care of better
17 because my ancestors left behind creatures protected.
18 They had many things in there. There was life in that
19 desert that nothing should be sacrificed in that
20 desert.

21 Thank you. Oh, yes, I was also lucky we
22 have a representative of Fort Mojave too, and I will
23 let her speak.

24 CHAIRMAN KEMPER: Thank you,
25 Mr. Arrow-Weed.

1 MS. OTERO: Good afternoon. Linda OFero.
2 I'm from Fort Mojave. I'm a Fort Mojave Tribal member
3 as well. Preston invited me here. He has been a
4 member of this Council before.

5 I represent the tribe in the capacity as
6 the director of the AhaMakav Cultural Society. We
7 address issues on the level of government to
8 government through our tribal chairperson and Council.
9 It's my responsibility to provide the Council such
10 recommendations that we involve ourselves, in
11 consultation with the federal agencies, one of them
12 being the BLM.

13 Just to give you a background, our tribe is
14 represented in three states, California, Arizona and
15 Nevada. We have tribal lands on all three sides of
16 the Colorado River. But given our ancestral lands do
17 cover the river, we also have a land base so vast
18 within our ancestral background of the Southern
19 California region, and we have also stretched into
20 Arizona and portions of the Nevada, because that is
21 our link to our beginnings, as well.

22 So we are very connected to the land, the
23 resources, animals, plants. And I think we tried to
24 stress to the agencies that we deal with, BLM, for
25 instance, we deal with Arizona, three field offices --

1 I'm familiar with them. I also deal with the BLM in
2 California offices, Needles, Barstow, Palm Springs
3 area. And not so much have been with the El Centro,
4 but given that the nature of things that we addressed
5 concern cultural resource protection, environmental
6 issues was well, biological, because as I said
7 earlier, our resources were those.

8 And Preston has alluded to those, that
9 those resources are who we are. In our history we
10 have clan systems, and those clan systems are based on
11 plants and animals and things that make up the world,
12 including the water, the sky. So those are things
13 that are connected to us. And it's never conveyed on
14 that in terms of what you see as reports or projects
15 that need to be addressed. But that's the things that
16 we pride ourselves in and enlighten folks who have to
17 deal with and make decisions as well as with the field
18 managers on those levels. And we do this for many
19 other agencies, federal agencies.

20 And that's why I'm sitting here and looking
21 at you as representatives of this Council. And I'm
22 not certain of all your backgrounds, given that this
23 is my first meeting in attendance here, but I think in
24 terms of the agency as a federal -- representing the
25 federal government. So I stand here representing the

1 tribal government in terms of, I take back what it is
2 that I need to to my tribal Council, to my Chair. And
3 those responsibilities, it's government to government,
4 federal agency to sovereign nation.

5 When I heard speaking of partnerships, it's
6 not so much in terms of a partnership, but I think the
7 agency has its fiduciary responsibility to any
8 sovereign nation because of that status. And I would
9 hope that you would take that into mind and
10 considerations because tribes have a lot of say and
11 should have -- be heard. And as far as people who
12 have to make decisions, you need to also hear tribes
13 out, because there is so many levels in which we need
14 to be participating. But yet we are just a few who
15 address these.

16 And as I explained to you, we cover a large
17 land base, Arizona, California, and Nevada. But we
18 didn't grow up -- our ancestors didn't grow up with
19 lines. It was only in this time and age that we are
20 separated by borders, state lines, county lines and
21 other federal lines. And who is responsible for this
22 and that?

23 Yet we have so much to look into because
24 this is our own background. This is our backyard, as
25 Preston said earlier. This is our ancestral lands in

1 which we have responsibility as stewards of the land
2 as well as trying to maintain that balance is
3 important because that's our responsibility, given
4 that our teachers, our religious leaders from long ago
5 shared that in oral history. And they did that for
6 protection of the future. And we are the future today
7 and still trying to protect the resources.

8 So I think you need to recognize there is
9 that balance that needs to be maintained. And
10 developing partnerships is only one example. But then
11 as a federal agency, there is a responsibility as well
12 to tribal sovereign nations. Maybe I will be able to
13 be a part of this some time. In the meantime, I have
14 a lot of responsibilities in my hands as well, but
15 given that, I hope to invite the field manager to a
16 Council meeting and address some of these issues.

17 Again, off-road vehicles is only one of
18 them. I mean, there are other issues that the tribes
19 are having to address. And energy, the bill that just
20 came out -- and I know a bit of that in the background
21 as well, so there are a lot of things on the table.

22 But today's topic is probably important on that level
23 because we have had to deal with this on other issues,
24 other district areas anyway.

25 So just wanted to introduce myself, and I

1 will give anyone a card to be in touch later.

2 CHAIRMAN KEMPER: Actually, I would like
3 to have one of your cards. What was your first name?

4 MS. OTERO: Linda.

5 CHAIRMAN KEMPER: Linda, I just want to
6 make you aware, from the inception of this Council,
7 it's always had a representative from Native
8 Americans. Mr. Arrow-Weed was at one time, and I look
9 forward to you being at some time in the future. And
10 also we have a person here representing Native
11 American interests now. And maybe you could get his
12 card. And that way when you have concerns that you
13 want to get before the Council, he can bring them for
14 you.

15 MS. OTERO: Okay. Thank you.

16 CHAIRMAN KEMPER: Thank you. Any more
17 comments from the public-at-large? At this time I
18 will entertain a motion to adjourn.

19 MEMBER LEIMGRUBER: So moved,
20 Mr. Chairman.

21 CHAIRMAN KEMPER: I have a motion. Do I
22 have a second?

23 MEMBER ACUNA: Second.

24 CHAIRMAN KEMPER: All in favor, signify
25 by saying aye. Any opposed? Any abstentions? Motion

1 carries unanimously.

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3 (The proceeding concluded at 12:31 p.m.)
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REPORTER'S CERTIFICATE

I, Judith W. Gillespie, a certified shorthand reporter, do hereby certify that the foregoing pages comprise a full, true and correct transcription of the proceedings had and the testimony taken at the hearing in the hereinbefore-entitled matter of April 1, 2006.

Dated this 3rd day of May, 2006, at
Riverside, California.

Judith W. Gillespie, CSR No. 3710